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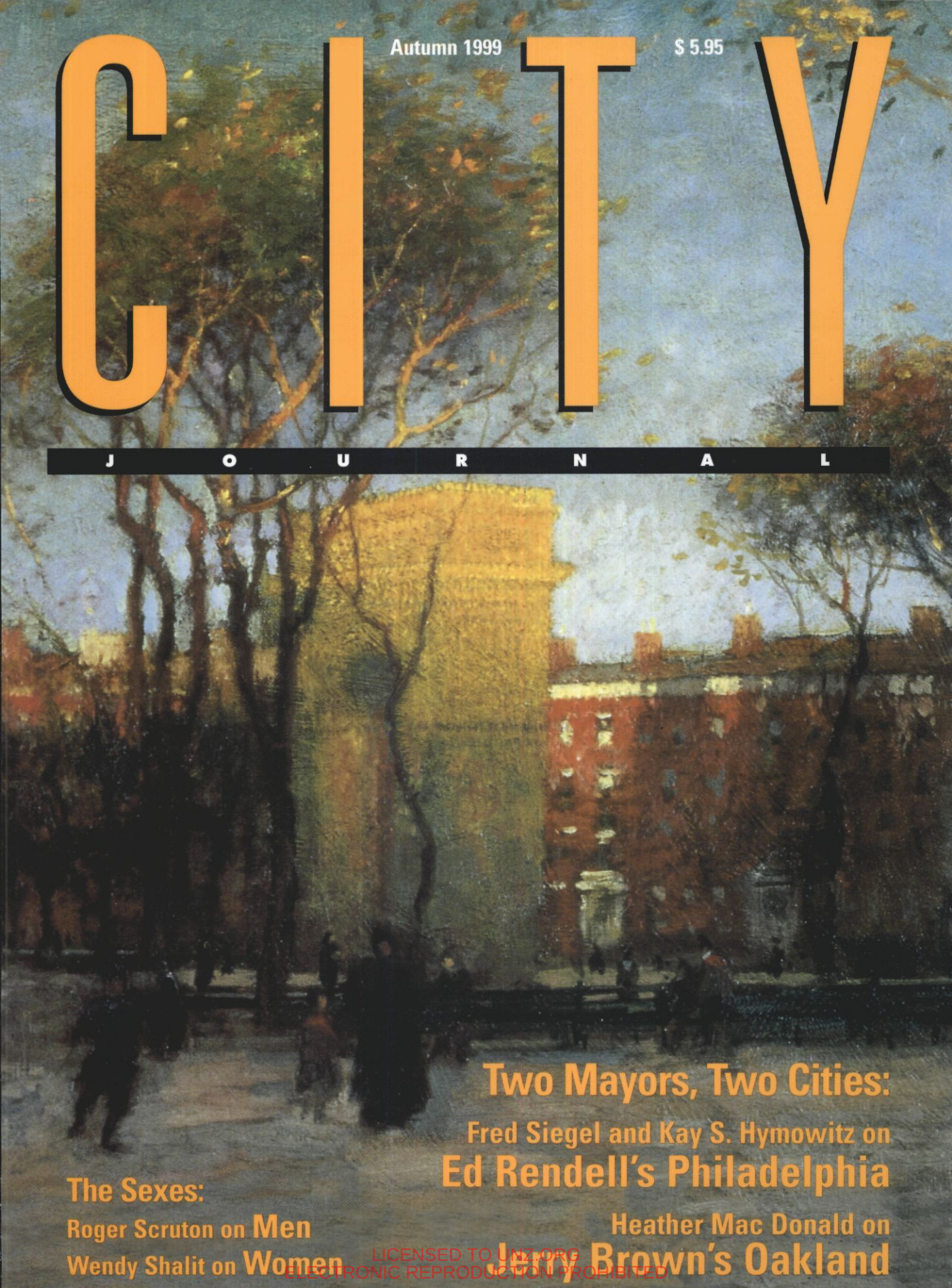

Two Mayors, Two Cities:

Fred Siegel and Kay S. Hymowitz on

Ed Rendell's Philadelphia

The Sexes:

Roger Scruton on **Men**

Wendy Shalit on **Women**

Heather Mac Donald on

Jerry Brown's Oakland

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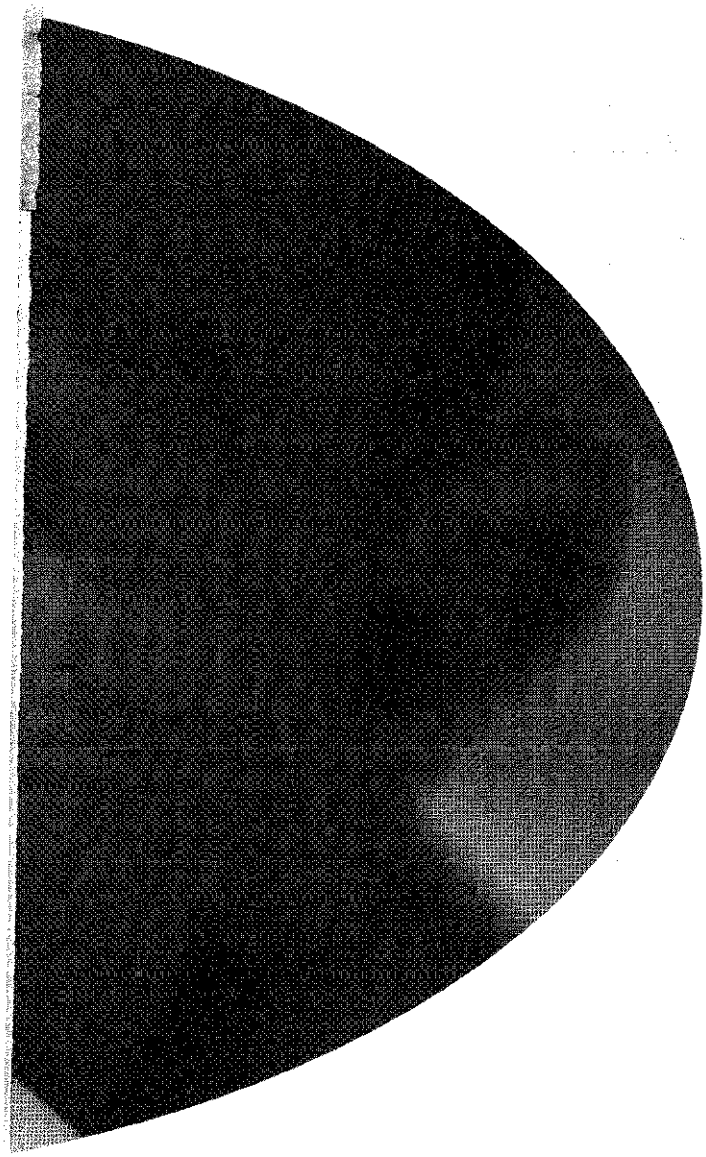

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In Prospect

Over the last decade, a new understanding of how to run cities successfully has taken shape, molded in no small measure by *City Journal* and the mayors who are its fans. The new principles are a total break with the old urban-governance orthodoxy that saw cities as vast repositories of wealth to tax, in order to pay for generous services and support for the numerous urban poor—services provided by hordes of well-paid municipal workers. Today's smart mayors shun this municipal welfare-state approach, whose high taxes have driven away legions of rich and middle-class taxpayers and cost-conscious corporations, along with the jobs they create. These mayors concentrate instead on doing well the few fundamental things that cities need to flourish.

The first of these is fighting crime: the basic job of any government is assuring the safety of its citizens in their homes and on the streets. For too long, cities shirked this task, skeptical that police could do much to prevent crime anyway, and fearful of criticism from elites who believed that criminals were themselves victims. Innovative policing techniques—including vigorously trying to keep guns off the streets, for example, or enforcing quality-of-life laws against noise or prostitution—have cut crime by an astounding 68 percent in a city like New York, by making life tough for criminals and showing that police are serious about maintaining law and order.

Second, innovative mayors (often in concert with forward-looking governors) have been vigorous welfare reformers, cutting costs by cutting the rolls—now down nationally by almost 50 percent—and (more important) replacing a culture of dependency with a culture of work. In a related move, these mayors are making municipal government smaller but more effective by contracting out services to private companies and, as in the case of welfare, providing less of existing services or even cutting out services that cities shouldn't be providing at all. The point is to stop sucking vitality out of the private economy by excess taxation—for, among other things, a vigorous private sector, with jobs for all, is the best anti-poverty program of them all. Finally, the new urban vision puts school reform front and center, emphasizing such system-transforming measures as vouchers and charter schools. For too long, the public-education monopoly has focused on making jobs easy and secure for its employees rather than on providing the decent education that kids need—especially inner-city kids, for whom good schools are the main road to opportunity.

This issue leads off with three object lessons in the new urban paradigm. Ed Rendell, recently elected head of the Democratic National Committee and nearing the end of his second and last term as Philadelphia's mayor, burst on the scene in 1992 as one of the nation's most dynamic municipal leaders—"America's Mayor," vice-president Al Gore anointed him. But after a spectacular start, Rendell ran out of gas, as Fred Siegel and Kay S. Hymowitz show in their story on Rendell's mayoralty on page 14. Why? For all his courage, Siegel and Hymowitz explain, Rendell is a prisoner of the old orthodoxies and doesn't understand the innovative measures that have revived other cities and that alone can stop Philadelphia's slow decline. By contrast, as Heather Mac Donald shows on page 28, new Oakland mayor Jerry Brown—somewhat unexpectedly, given his familiar countercultural rhetoric—has taken the new principles to heart and is vigorously using them to transform his faded city across the bay from San Francisco. William J. Stern, who headed the state's Urban Development Corporation when it put in place a $2.6 billion plan to resucitate Times Square, examines (on page 42) the rebirth that so spectacularly occurred, explaining that it had little to do with the UDC's foray into state capitalism and everything to do with the policing, zoning, and tax cutting that are the proper functions of government.

This issue's stories on the sexes by Roger Scruton (page 80) and Wendy Shalit (page 89) may seem far removed from cities and their problems. But in fact changes in our culture have had enormous consequences for cities over the last 40 years, as Stern's Times Square story suggests. In particular, the decline of marriage, which Scruton and Shalit examine, has been key to the rise of the urban underclass, with its almost 100 percent illegitimacy rate. Our cities have long been Ground Zero for cultural experimentation, and figuring out just what is happening and what its consequences are, as both these stories so absorbingly do, is the necessary first step to cultural renewal. ■

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Soundings

Room for Excellence?

Since the Schmidt commission on the City University of New York delivered its recommendations last June, public debate has centered on the thorny problem of remediation. The commission's most important finding, however, concerned CUNY's nonexistent top end, not its overly ample bottom end. It is there that the battle lines over CUNY's future are most sharply drawn.

CUNY is unique among large public university systems in not having a single college for students in the top first or second quartile of national academic achievement, measured by SAT scores and basic skills. Students at Baruch, CUNY's most selective school, fall in the 30th to 40th percentile of all SAT takers (meaning that 60 percent to 70 percent of American students score higher). From there, CUNY's schools plummet down to absolute rock bottom. With this narrow range of scores, CUNY students are either minimally qualified for college, or not qualified at all, according to the National Center for Education Statistics.

The absence of a CUNY campus with a top-notch student body constitutes a gaping educational and cultural hole in New York. Flagship campuses elsewhere, such as the University of California at Berkeley, serve as intellectual pole stars for their respective college systems. They motivate high-school students to achieve; they attract the most gifted faculty from across the country; and they incubate ideas.

Without such beacons of excellence, New York is experiencing brain drain. Virtually no graduates of the city's elite public high schools go to CUNY; most go upstate or out of state, stripping the city of homegrown talent that would otherwise develop ties to the local economy.

To counter this exodus, and, who knows, maybe even to attract into CUNY top undergraduates from outside the city—currently a fanciful notion—the Schmidt commission (on which I served) recommended creating two flagship campuses for students with SATs of at least 1200 and high grades. Surely in a city as large as New York, there is room for excellence?

The answer from CUNY's entrenched interests could not be clearer: mediocrity is good enough for CUNY and for New York. A series of counter-reports to the Schmidt commission from an overlapping set of CUNY defenders rejects the idea of a flagship campus as racist, antidemocratic, and anti-poor. The Friends of CUNY say that the Schmidt report would turn CUNY into a "bastion of exclusion." The Faculty Senate questions the very possibility of "objective" standards of achievement, thus demonstrating its postmodern credentials, if not its academic good faith. Several counter-reports posit the Grad Center as a flagship—a ludicrously irrelevant response to the need for an elite undergraduate institution.

The zero-sum thinking that sees excellence only as an impediment to access is New York's greatest educational failing. Contrary to CUNY's knee-jerk defense squad, excellence adds to a system, it does not detract from it. Moreover, CUNY's own history belies the racist assumption that minorities and the poor will never gain entry to the best campuses. City College for decades drew high-achieving poor New Yorkers excluded from private schools because of their religion. Creating a CUNY campus for the pinnacle of the city's academic talent is a policy of inclusion, not exclusion, that could pull the rest of the system up with it. Chancellor Matthew Goldstein should give it his highest attention.

—*Heather Mac Donald*

The Dung Hits the Fan

In *Huckleberry Finn*, the King and the Duke decide to stage a semi-pornographic show. The southern con artists ponder their next move. How could they persuade the rubes to pay 50 cents each to see the "Royal Nonesuch"? A smile crosses their faces. They put up a sign announcing the program, then add a line in boldface: LADIES AND CHILDREN NOT ADMITTED.

"There," says the Duke to his companion, "if that don't fetch 'em, I don't know Arkansaw!"

Apparently, this lesson was not lost on the Brooklyn Museum's management. First they imported *Sensation: Young British Artists from the Saatchi Collection*,

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an exhibition of paintings, sculpture, and mixed media that had kicked up a ruckus in London. (*City Journal* panned the original London show in "Trash, Violence, and Versace: But Is It Art?" Winter 1998.) Then they appended their own bottom line: people under 18 wouldn't get in. For a lagniappe, they added a "Health Warning." The contents of this display, went the ad, "may cause shock, vomiting, confusion, panic, euphoria, and anxiety. If you suffer from high blood pressure, a nervous disorder, or palpitations you should consult your doctor before viewing this exhibition." There, Museum director Arnold L. Lehman must have concluded, if that didn't fetch 'em, he didn't know New York.

Lehman got the hype and hordes he wanted—and something he didn't anticipate. Mayor Rudolph Giuliani expressed outrage over such *objets d'art* as the corpses of dissected animals suspended in formaldehyde, an indulgent portrait of a child murderer, and, perhaps most significantly, a portrait of the Virgin Mary decorated with elephant dung and cutouts from pornographic magazines. Noting that the Brooklyn Museum receives an annual $7 million stipend from the New York City budget and leases its building from the city, the mayor announced: "You don't have a right to government subsidy for desecrating somebody else's religion. And therefore we will do everything that we can to remove funding for the Brooklyn Museum until the director comes to his senses and realizes that if you are a government-subsidized enterprise, then you can't do things that desecrate the most personal and deeply held views of people in society."

CHIEN-CHI CHANG/MAGNUM (4)

Howls of "First Amendment" and "artistic freedom" predictably arose from the ever-Pavlovian A.C.L.U. and its allies—though refusing to give government funds to an exhibit, of course, has nothing to do with censorship. Let owner Charles Saatchi pay to put on his own exhibit: no one is stopping him. The howls were variations on those sounded a decade ago when people dared to object to an NEA-funded touring exhibition that included Andres Serrano's "Piss Christ," a photograph of a urine-immersed crucifix, and Robert Mapplethorpe's photographs of such homosexual brutalities as the insertion of a bullwhip into an anus.

Amid the crossfire, though, no one seemed to notice the most bizarre aspect of *Sensation*: the shift of power between the Art Establishment and politicians. Once upon a time, artists put their careers and sometimes their lives on the line by making a statement. In the Soviet Union, totalitarian thugs murdered Isaac Babel, and Boris Pasternak vanished into the Gulag. Nazi Germany exiled or executed any writer, painter, or sculptor who did not conform to the Third Reich's dark ideal. Anti-regime artists in Cuba and China remain behind bars.

But today, it's the politicians who endanger their careers when they object on moral grounds to an exhibition of vile art. Conversely, the more repellent or fraudulent the work, the likelier the artist is to receive government funds. Chris Ofili, creator of the Madonna-and-dung painting, is a case in point. Notified that London's Tate Gallery had awarded him the prestigious Turner Prize, he cut to the chase: "Where's my check?"

In totalitarian societies, the government blocks dissent. In New York City, the Art Establishment quashes heresy. According to its dogma, no politically correct sacred cows must go unworshiped or unrewarded, from feminists to gays to minorities to the disabled to nihilistic, in-your-face performers whose favorite targets are Western civilization and the Judeo-Christian tradition. To deviate from the party line,

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Soundings

one risks being mocked and reviled. If anyone doubts that, let him try to splatter the Muslim star and crescent with giraffe dung. Or paint a portrait of Barney Frank as a drag queen. Or mold a statue of Gloria Steinem and Patricia Ireland in a compromising position. In the inevitable uproar, would the same voices bluster for First Amendment protection? Not in *fin de siècle* New York, where, in George Orwell's felicitous phrase, "the smelly little orthodoxies" are at work.

Given those orthodoxies, His Honor may lose the Battle of Brooklyn in the courts. But the war is his to win. In a city nearly 40 percent Roman Catholic and nearly 100 percent overburdened, residents want trash collected on weekdays, not mounted on museum walls—especially with their money. (Whether Director Lehman) comes to his senses is irrelevant. Judging from the negative buzz *Sensation* has provoked, taxpayers have come to theirs.

—*Stefan Kanfer*

Stop 'em Cold

New York City is today a much safer place, and not just because of lower crime: the American Automobile Association has given the city a prize for improved traffic safety. Under the Giuliani administration, traffic fatalities have fallen a spectacular 51 percent. The AAA credited the city for its strong commitment to traffic-safety education in the public schools and for its police efforts, including such controversial but clearly effective programs as erecting pedestrian barriers in midtown, ticketing jaywalkers, and cracking down on speeding taxi drivers. In addition, the city has constructed speed bumps on streets near schools and reduced the speed limit on some thoroughfares to 15 mph. (*City Journal* first recommended many of these ideas in "The Quality of Life," Winter 1998.) New York has become a national model for traffic safety.

One way to make the streets even safer for drivers and pedestrians is to go after individuals who drive with suspended or revoked licenses. In two separate accidents at this year's West Indian Day parade in Brooklyn, drivers with suspended licenses plowed into pedestrians, killing three. Just like drunks behind the wheel, such reckless individuals are a public danger—a danger, moreover, already proven in court.

The city should criminally prosecute them and permanently confiscate their cars, just as it has done with drunk drivers. Though civil libertarians exploded in anger when the city began its confiscations of drunk drivers' autos, the public warmed to the idea so quickly that other metropolitan counties have begun similar programs. The city should proceed with confiscation even if the car belongs to someone other than the driver. That way, anyone handing his car keys to a known road threat won't just be putting the public at risk but will himself risk losing his vehicle for good.

—*Peter Reinharz*

Welfare Reform Rollback

It's not too soon to start worrying about the fate of welfare reform in post-Giuliani New York City. Two bills in the City Council foreshadow what could happen if Gotham returns to its big-government status quo.

How about 10,000 new government and nonprofit sinecures for welfare recipients? That's what one Council bill would create over a five-year period, turning the philosophy of welfare reform on its head. Instead of preparing welfare recipients for private-sector employment, the Council bill would place a third of all workfare workers into 7,000 newly created government jobs and 3,000 private social-service jobs (increasing, as a bonus, the constituency for social-service spending).

DC 37, the municipal union, is already smacking its lips at the prospect of new recruits, who will receive union-scale pay. The bill preposterously allows the union to help select the city agencies that will hire the new workers in new positions.

Besides inflating government beyond any proven need—at a huge cost of nearly $400 million a year—the jobs program will only reinforce a self-destructive sentiment audible at every workfare site today: that the government owes people a job. Many welfare recipients under this new regime would simply wait for government to take them in without bothering to look for private employment.

The second bill adds a new grievance procedure to an

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already ample set of worker protections for workfare workers and ensures that the truant or unruly can delay sanctions for as long as possible. Let's say a welfare recipient has regularly not shown up to his workfare site. Merely by making an oral complaint, he can prevent his supervisor from notifying HRA of his truancy until the grievance gets resolved. If he alleges that the work is "injurious to his health and safety," the new rules would absolve him of any duty to work, pending the grievance's resolution. Given city bureaucracy's sloth-like pace, lax welfare recipients can look forward to many additional months on the obligation-free dole. Grievances will pour in.

The Council's two laws are almost charming in their big-government obviousness. The jobs bill purports to be a "demonstration program." Should the next mayor be a throwback to the old urban orthodoxies, this "demonstration" likely will become the norm, and welfare will again become a huge drag on the city's economy.

—Heather Mac Donald

Good Cops

The Bureau of Justice Statistics recently surveyed residents of 12 big American cities and found the vast majority of them satisfied with their police services. In New York City, the study revealed, an impressive 89 percent of white and 77 percent of black residents were happy with the cops—not what the *New York Times*'s relentlessly critical coverage of the NYPD would lead you to think. Doubtless the city's innovative crime-fighting techniques, by dramatically slashing crime across the city, have had a lot to do with the police's popularity. But the public support may also reflect the city's unheralded effort to weed out bad cops.

The NYPD's unique, two-year-old program, "Force-Related Integrity Testing," checks for officers' propensity to lose their cool by putting them, without their awareness, into a staged stressful situation. Patrol officers will receive a call sending them to a location where, say, a suspected drug deal is going down. When the cops arrive, suspects—in truth, undercover officers from the Internal Affairs Bureau—start verbally abusing them, trying to bait them into violent behavior. The good news: out of roughly 90 staged incidents during the past 12 months, only four officers failed the test—a number even more impressive than it first appears, since the tests usually focus on officers thought to have a short fuse. Of the four failing officers, one received a precinct reprimand, a second is up on charges, and the remaining two have still-pending cases.

Of course, the program's success hasn't mollified the NYPD's noisy critics. Plaintiffs' lawyers, who often make their living by suing police, grumble that the program is merely "cosmetic." Police union attorneys protest that "cops baiting other cops is bad." Yet if the program is merely cosmetic, why would it be so low-key? Even most cops didn't know it existed until the *New York Times* wrote about it in September. The department has tried to keep it secret in order to boost its effectiveness. And whatever the union might say, the program is just a variation on tried-and-true methods of testing police integrity—seeing, say, if cops turned in a "lost" wallet or vouchered for all the cash recovered from a drug bust.

In the September article, the *Times* quickly reminded readers that the U.S. Attorney's Office in Brooklyn has accused the NYPD of failing to discipline officers for brutality, and that it is considering suing the department to impose reform. But the very existence of the NYPD program belies the

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image of a force unconcerned about police brutality. Perhaps the U.S. Attorney might ask the Bureau of Justice Statistics—both are arms of the Department of Justice—how New Yorkers, black and white alike, think their police are doing.

—Brian C. Anderson

A Model Park

One of the best new things that's happened in Boston in years is Post Office Square Park—a triumph not only of urban design but also of creative private financing that advances both private interests and the public interest in equal measure.

As landscape design, the park is the polar opposite of those uninviting, windswept brick and concrete plazas that architectual modernism presents as "open space" and that few people frequent. Its welcoming neotraditional design, courtesy of Boston architect Craig Halvorson, boasts a lovely fountain at one end and a bustling open-air restaurant at the other, with groomed paths, trellises, and a profusion of flora in between and around its perimeter. At just 2.3 acres, it's cozy, too, offering a human-scale flourish of nature in the heart of town.

What makes Post Office Square Park all the more delicious is that, for 40 years before its transformation in 1992, it was a concrete parking garage, an eyesore that detracted from the buildings that faced it and lessened their value as real estate. Now, though, the park, surrounded by—but buffered from—the city's most congested streets and within a short walk of 250,000 financial-district office workers, has become an oasis—inch for inch the most frequently used open space in the city. Some call it the best dating spot in Boston; others deem it Boston's most successful urban development project this decade. It has sparked what planners call "mixed-use" development around its borders, including fine boutique hotels, whose guests help populate the park.

At least as inspired as the park's design was its financing. Prominent Boston developer and philanthropist Norman Levanthal bankrolled the park by building an underground parking garage and selling the parking spaces to owners of neighboring buildings. The scheme brought in $29 million, enough to see the project through. Levanthal himself owns property on Post Office Square, so he has done well by doing good, boosting the value of his own real estate by creating an amenity for the entire city. And the neighboring landlords are happy that their investment has brought them not only needed parking space but an enhancement of their property values, too. No wonder that leftist anti-development advocates, baffled to see private investment advancing the public good so unequivocally, have protested the project, which affronts their most deeply held anti-capitalist beliefs.

Levanthal has now tackled an even more ambitious project: trying to turn the city's notoriously uninviting City Hall Plaza into something resembling a park. It's a good augury that the antibusiness activists are out in force protesting this project.

—Howard Husock

Hot Air

A new report by the Environmental Defense Fund claims that global warming would be a disaster for the New York metropolitan area. It predicts, among other dire consequences, that global warming will cause sea levels to rise, threatening New York with massive flooding, even during small storms, and possible saltwater contamination of city water supplies.

But though sea levels are rising and could cause these things to happen, there's scant evidence that global warming is the culprit. At a recent congressional briefing on sea-level change, David Malmquist, a respected scientist at the Bermuda Biological Station for Research, explained that the rate of sea-level rise hasn't changed in a hundred years, long before the industrial revolution supposedly started warming the atmosphere.

Scientists aren't even sure whether global warming would increase or decrease the rate of sea-level change. Warming in Antarctica would increase snowfall, for example, causing the Antarctic ice sheet to expand. To what extent this would offset

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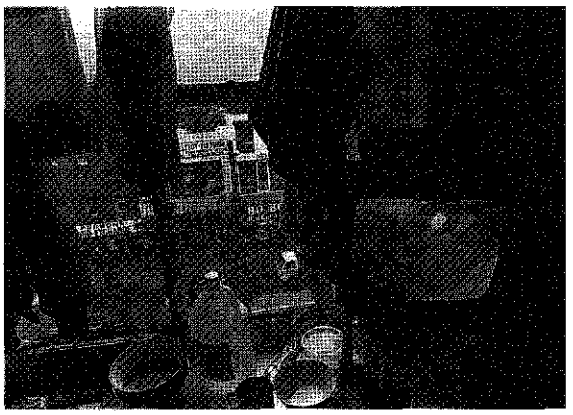
other factors that cause the sea to rise remains unclear, but it could be significant.

The EDF claims that its predictions derive from computer-based climate models. The problem with such models, though, is that their resolution is so coarse that one learns little about the regional effects of global warming. A U.N. panel on climate change recently noted that predicting regional effects is so difficult that "no information on future regional climate change is presented here." Nevertheless, EDF proceeded with its scary scenarios despite its ignorance.

It's unfortunate that green pressure groups such as EDF continue to use junk science as a political tool to promote their anti-energy agenda.

—*Paul Georgia*



The Vanishing School Day

When parents on Manhattan's Upper West Side sent their kids back to P.S. 87 last month, they doubtless assumed that teachers were ready to get back into the classroom and teach. But of 15 scheduled school days in September, five saw P.S. 87 kids sent home after just half a day, because teachers had meetings to attend. As a letter from P.S. 87 principal Steven Plaut calmly reassured parents, teachers needed two half-days to talk to one another "about the strengths and academic needs of each student." The teachers also required, Plaut stressed, three additional half-days to talk to parents about the children.

Now, you don't have to be a fully trained pedagogue to know that, early in the school year, parents and teachers should talk and teachers should huddle to compare notes about students. By the same common-sense standard, though, couldn't the meetings take place without cutting into instructional time? Couldn't the teachers "articulate" (as ed-speak puts it) after the kids go home at 3 PM, say, or better yet, a day or two before the school year officially opens?

Of course, the teachers' union contract, not common sense, governs New York's public schools. Plaut couldn't ask his teachers to meet after 3 PM, because the contract demands that "the school day shall be six hours and 20 minutes." Nor could he ask teachers to come in a few days early, since the contract also requires that teachers report no sooner than the day after Labor Day.

The problem of lost time is getting worse. Everything from staff development to grading tests to filling out Board of Ed forms now serves as an excuse to send children home, so that the lost hours of instruction easily add up to two weeks of class time. Moreover, kids always get sent home for lots of half-days rather than for a fewer number of entire days, so that the Board of Education can claim that New York runs a full 180-day school year when it asks for state funds.

Chancellor Rudy Crew reportedly is looking into extending the school year into the summer. But before the Board of Ed takes away a single day from New York kids' summer vacation, it should figure out how to win back class time lost because of its frustrating inability to stand up to the teachers' union.

—*Sol Stern*

Barbarians on the March

The *Times* of London reported on September 29 that British town planners have decided that what jewel-box Georgian and Regency towns such as Bath and Cheltenham need—architecturally speaking—is the shock of the new. The planners actually demand that, in exchange for their permission to build, new constructions should "stand out

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like a sore thumb" instead of "blending into the vernacular" of the serenely classical terraces.

How will defenders of this terrible barbarism explain it when—yet again—reaction wells up against it? An exhibition at the Royal Academy, devoted to the great Regency architecture of Sir John Soane, provides a clue. This is how the curators—who share the planners' enthusiasms—explain to the public the demolition of Soane's magnificent Bank of England in the 1920s: "The Napoleonic Wars built Soane's Bank but World War I destroyed it."

Did the Zeppelins bomb it, then? No: bank staff quadrupled during the war and no longer fitted comfortably into the building. The directors could think of no more imaginative solution than to destroy Soane's masterpiece. But now the demolition appears as if it were not the result of human agency but of vast impersonal, and therefore irresistible, forces.

Bureaucratic lack of imagination and taste, arrogant disrespect for the past, and over-estimation of current architecture are all eroding what little remains unspoiled of Britain's urban heritage. As a result, not a town or city in the country isn't dotted with prominent eyesores: the true shock of the new.

—Theodore Dalrymple

Paranoid High

After 55-year-old Richard Plass, an assistant principal and biology teacher at prestigious Stuyvesant High School in Manhattan, pled guilty to molesting one of his 15-year-old students, school administrators deluged students with outside counselors and sexual-harassment lecturers. Recently, the administrators have sponsored special theatrical skits for freshmen, encouraging them to speak out about inappropriate touching.

According to some students and teachers, though, the administration's aggressive response has created an atmosphere of paranoia at the school. Kathleen Sarnes, a 16-year-old junior, complained to the *New York Times*, "I went in a classroom to give my homeroom teacher a hug and he backed off. He picked up like this 600-page booklet that the administration gave teachers on sexual harassment." One teacher worried that the administration was encouraging students to think that "any kind of touching can be interpreted as sexual." Others threatened to start videotaping their classes.

Meanwhile, Plass, the man who actually did the molesting—he had shown the student pornography and exposed himself to her—got off in court with three years' probation and received early (paid) retirement from the school system, the kind of punishment most would consider a reward.

What transpired at Stuyvesant is no surprise: it bubbles up from our culture's postmodern brew of moral relativism and the oversexualization of everyday life. In our current confusion, it becomes hard to grasp the difference between a criminal act, like exposing oneself in front of a student (after all, no one should judge another's sexual predilections) and a friendly pat on the shoulder. The creepy result: innocent teachers feel like criminals while the real criminal goes mostly unpunished.

A better idea would have been to fire Plass and cut off his pension, while calling off the counselors and lecturers.

—Wendy Shalit

Deconstructing the West Side

The Canadian Centre for Architecture recently sponsored a much-ballyhooed urban design competition for a large development site on Manhattan's West Side, running between 30th and 34th Streets, and from the Hudson River to the McKim, Mead, and White-designed post office that eventually will become the new Pennsylvania Station. The winner—a foregone conclusion, since devotees, friends, and relatives packed the high-powered selection committee—is Peter Eisenman, the deconstructionist architect. He will receive a $100,000 check from the CCA and has already garnered lots of publicity. To let him loose on the West Side, though, would be a disaster.

Though extremely vague in its details, Eisenman's winning design appears to consist of an obtrusive structure that would extend over several large city blocks—exhibiting a hubris that went out of fashion after sixties-era urban-renewal disasters.

But it's easy to supply what's missing by considering the architect's past work. Eisen-

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man believes that life is nasty, brutish, and short, and that architecture and urbanism should reflect this bleak reality. He seeks to alienate not only his clients but also everyone else unlucky enough to be near one of his architectural projects, too.

In practice, this has led him to design homes with pipe columns cutting through the middle of a dining table or a matrimonial bed and to hope contemptuously that the "good citizens" of Cincinnati would hate him for the vertigo-inducing Aronoff Center for Design and Art he designed for the University of Cincinnati.

Eisenman is blind to Gotham's lessons in urbanism, including the idea that the quality of the architecture framing the city's streets is crucial to their aesthetic appeal. If you don't think so, just compare an especially attractive city block, say, East 70th Street between Park Avenue and Lexington Avenue—framed by restrained and well-proportioned century-old homes—with the monotony of much of midtown.

But the biggest lesson of all is the one taught by Warren and Wetmore's magnificent Grand Central Station, where, ironically, Eisenman's drawings for the West Side project are on display this month. The CCA competition site poses incredibly complex transportation challenges; Grand Central is a Beaux-Arts triumph of mastering such complexity. Like the CCA site, though on a smaller scale, Grand Central has many levels of railroad tracks, subway lines both parallel and perpendicular to the train tracks, pedestrian walkways, and roads (Park Avenue runs over part of the terminal at the equivalent of the fifth or sixth floor). Yet even at peak capacity, all the parts work flawlessly.

Architecturally, Grand Central Station is the very antithesis of Eisenman's nihilistic world view. It expresses not alienation, but classical harmony, proportion, serenity, and meaning. We don't need Eisenman's scheme for a site that, because of its size, is the most important piece of undeveloped land in Manhattan. New York deserves better: just look at Grand Central and imagine what the West Side could become. —*Franz K. Winkler*

Fred Rose

Frederick P. Rose, who died on September 15 at the age of 75, was one of New York's great philanthropists, a worthy modern representative of a tradition that has given Gotham many of the world-class institutions that make it unique. Fred had just restored the New York Public Library's Beaux-Arts main reading room to its original grandeur, and he was close to completing another of his great gifts to the city, the planetarium at the American Museum of Natural History, when he died.

A builder, engineer, and real estate tycoon, Fred personally oversaw the work on these projects, in minute detail; I remember the enthusiasm with which he described the construction of the projector for the new planetarium, capable of showing the solar system from within and—which tickled him even more—from without. He was the benefactor of countless New York (and other) institutions, and served with decisiveness and inexhaustible energy on the boards of many, including Lincoln Center, his beloved Yale University, and the Manhattan Institute, *City Journal's* publisher. The last time I saw him, he spoke with his characteristic enthusiasm about how much he was looking forward to the opening-night party for the planetarium, on New Year's Eve: it would be the party of the decade, he promised, perhaps of the millennium. He will be looking down on it benignantly, from beyond the cosmos.

—*Myron Magnet*

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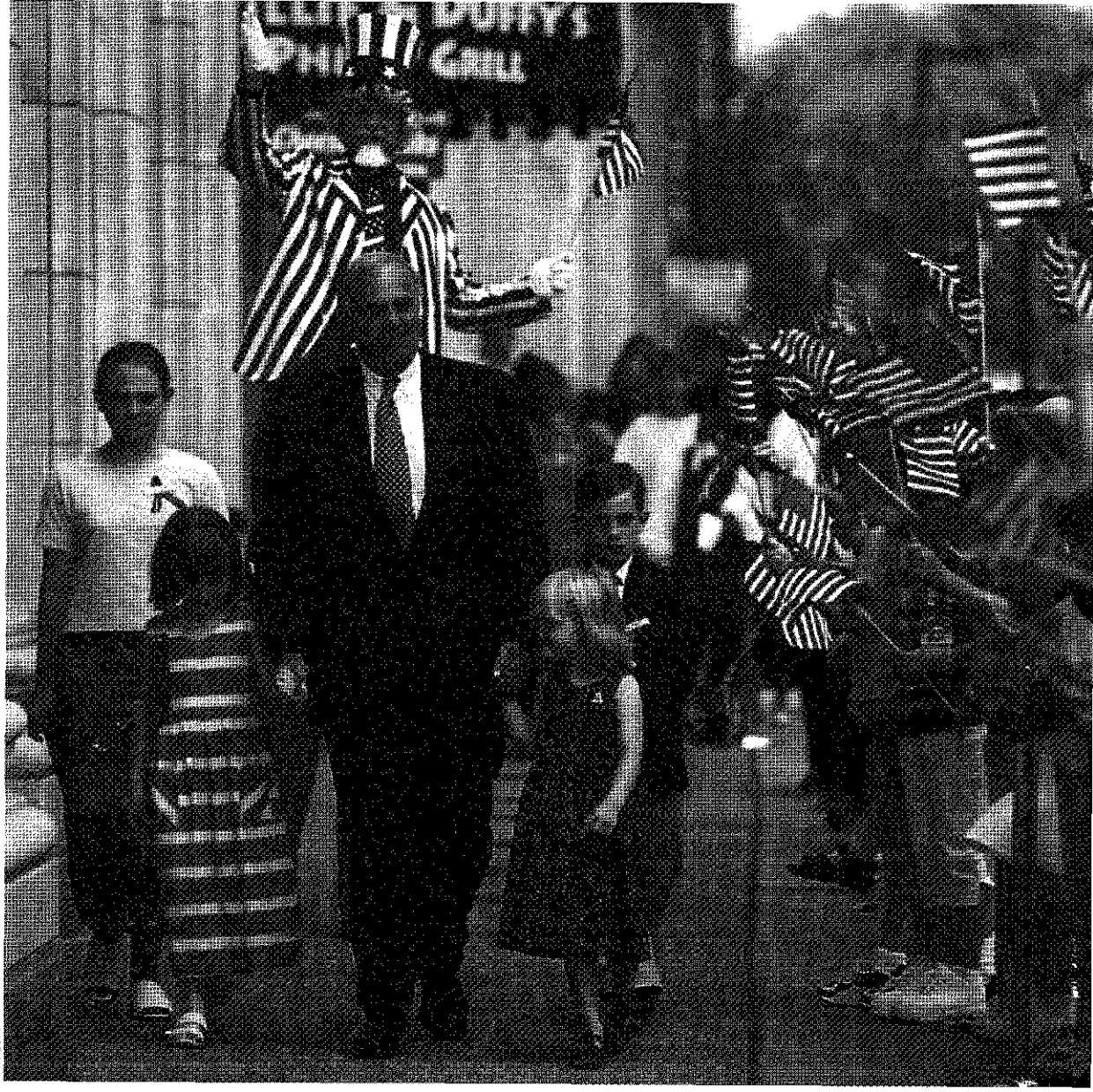

DAN LOH/AP

Mayor Rendell parades with four descendants of signers of the Declaration of Independence.

Philadelphia's high-profile mayor started out with a bang in 1992. But he had no Act II. What happened?

Why Did Ed Rendell Fizzle Out?

Fred Siegel and Kay S. Hymowitz

Ralph, who works in a restaurant near South Philadelphia's Italian market, and Virgil, an African-American bus driver, both agree that Ed Rendell is a great mayor. "He brought pride back to the city," says Ralph. "He's out there every day in the streets getting the job done," says Virgil, with an approving smile. Polls echo their enthusiasm, giving Rendell, who's term-limited out of office come January 2000, an extraordinary 77 percent approval rating. When asked how, if Rendell has been so successful, Philadelphia has lost almost 150,000 people since 1990—more than any other city—Ralph

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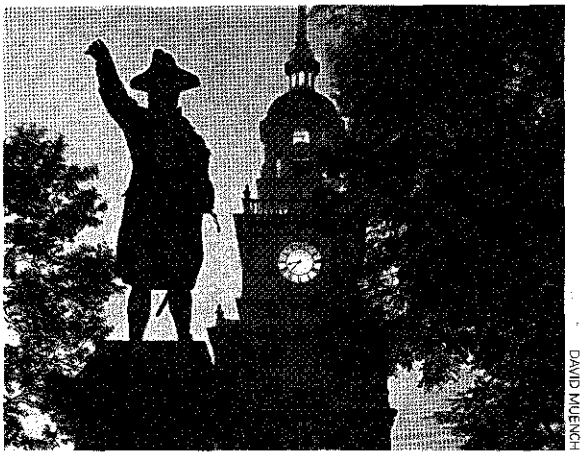
is incredulous. "It can't be!" he exclaims. That's the same answer Mayor Rendell gave to the Census Bureau when he heard the bad news.

At the end of the Rendell era, Philadelphia is a city that has solved its age-old image problem but has hardly begun to address its reality problem. Its national reputation stands high. Center City looks great, with its futuristic office towers and classy new hotels and restaurants. The upgraded airport sparkles, and new jobs are starting to sprout after a slow start following the last recession. The city finally seems free of the self-denigrating spirit that produced one adman's tourist slogan in the late 1970s: "Philadelphia isn't as bad as Philadelphians say it is." But while Center City and citizen self-esteem are flourishing, Philadelphia remains a crime- and tax-ridden city of collapsing schools and continued middle-class flight, still suffering from economic decline. Much of the last decade's new urban thinking that has put the bloom back on cities from coast to coast has yet to reach the City of Brotherly Love. One lesson of the Rendell era is that to revive a city a mayor must draw on the full array of urban policy reforms; and if he's unwilling to force change on almost every front, he will at best preside over managed decline.



DAVID MUENCH

Philadelphia's Independence Hall

Rendell at first seemed a Hercules of a mayor, able to tame mighty unions and bring a dying city back to life. He was, proclaimed Vice President Gore shortly after Rendell's legendary success in municipal contract negotiations, "America's Mayor." But Rendell turned out not to be the visionary and heroic reformer he first appeared to be. Aside from his genuine commitment to budget balancing and his energetic boosterism, he has proved an old-style big-city mayor, who has fought welfare reform, despite its successes in so many other cities, and he has looked to Washington subsidies to solve local problems instead of fixing his own faltering economy. The few real reforms he has accomplished since his battle with the unions have come late, in response to outside pressures.

So why, on the eve of an election to pick his successor, does he continue to rate so high with Philadelphians like Virgil and Ralph? Part of the answer lies in the trauma of 30 years of miserable mayors and long-standing municipal corruption. After leaders like Frank Rizzo and Wilson Goode, people are relieved to embrace Rendell's implied message: be happy, I'm a big improvement. Beyond that, Philadelphians have a peculiarly local and provincial sense of resignation. "People here don't think you can do anything about cities," says one political insider. "It's like the seasons changing or the stars moving." So, though Philadelphians have found Rendell's showy optimism infectious, deep down they have few expectations for substantive change—even though other American cities have shown how it can be done.

When Ed Rendell took office in 1992, Philadelphia was on the verge of total collapse. It had lost 400,000 people and 200,000 jobs in the previous 30 years. Crime had jumped 16 percent the year before; the Center City sidewalks reeked of human waste. The City Council, distinguished for fistfights and fierce yearlong debates over such questions as whether to designate June as Gay and Lesbian Pride Month, was such a joke that *Fodor's Travel Guide* included it under "Entertainment." The low point came in 1985, on Wilson Goode's watch, when city agencies failed to act as garbage piled up in the street outside of the headquarters of the armed African-American cult MOVE, and a howitzer appeared on the building's roof. Dithering police officials finally overreacted by dropping a

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bomb on the headquarters. It seemed symbolic of this dysfunctional government that it managed accidentally to burn down two entire city blocks and kill 11 people in the process.

Once the home of hundreds of small factories—as well as the headquarters of the Pennsylvania Railroad, the nation's then-largest corporation, and Stetson, the country's largest hatmaker in an era when everyone wore hats—the city had ceased growing in the 1920s. Before World War II, Philadelphia's neighborhoods, urban villages organized around their local factories, had been what one historian has ambivalently called "ghettos of opportunity." But as factories moved out during the postwar era, these varied ethnic neighborhoods lost their economic centers and their identity. Fanned by decline, ethnic and racial resentments grew, and the row-house populace became fodder for the populist politics of mayors like James Tate and his successor Frank Rizzo, who ran the city from the mid-1960s to the late 1970s.

"Work rules required—no joke—three workers to change lightbulbs at the city-owned airport."

Though reforming Democratic mayors Joseph Clark and Richard Dilworth had briefly attempted to move Philadelphia into a post-industrial economy in the 1950s, their successors, especially Rizzo, tried to ease the pain of industrial decline by expanding government to fill the vacuum. It was this public sector approach, backed by the political clout of public sector unionists, that sent the city into an economic death spiral. Mayors governed with the permission of city workers—all of them voters, by way of residency requirements. As Rendell quipped after he came into office, "There hasn't been a bad day for these guys in thirty years"—despite the state of the local economy.

Unsurprisingly, the bloated workforce was inefficient and unaccountable. Work rules required—no joke—three workers to change lightbulbs at the city-owned airport. City custodians had to clean only shoulder high—when they showed up. When you added up holidays, vacation, and sick leave, the average first-year worker could take 47 days off, or one working day in five.

The city's takeover of the Philadelphia Gas Works perfectly exemplifies its recipe for governing: ever-swelling public employment and patronage, coupled with poor service. In 1972, Rizzo arranged to take over the privately managed PGW, despite the fact that for the previous 75 years the American Gas Association had held it up as a model, with some of the lowest rates in the country and almost no debt or delinquent accounts. Justified on the grounds that the city would save money by eliminating management fees, the takeover in reality offered irresistible patronage opportunities. Rizzo turned the outfit into an arm of his political operation, putting 32 ex-cops on the payroll among many other political hires. Since then, according to the *Inquirer*, PGW has continued to "provide . . . jobs for the well-connected, pinstripe patronage for campaign contributors, special handling for influential customers, across-the-board discounts for the elderly—regardless of need—and costly bill-paying assistance for the poor." Debt and delinquent accounts have ballooned. Prices—and complaints—have risen to the highest in the region. When economic journalist Andy Cassell recently confronted a top PGW official with the accusation of running a patronage pit, he "bristled indignantly; only a third of the gas-works employees," he protested, "were straight patronage hires."

To pay the fat and happy municipal workforce, mayors kept rejiggering the fiscal calendar and rattling the tin cup in Washington, making Philadelphia increasingly dependent on federal money. But the principal method of financing expenditures was to increase taxes. In perhaps the most egregious example, Mayor Rizzo, while campaigning for a second term in 1975, gave the city's 20,000 blue-collar workers a 12.8 percent raise, 100 percent reimbursement of health insurance costs, and union control of the health and welfare fund, only to declare a fiscal emergency two weeks after his reelection and to pass the largest tax increases in Philadelphia history.

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A North Philadelphia mother smokes crack with her son.

Above all, Philadelphia expanded taxes on wages. Initiated as a temporary measure in 1940, the wage tax became increasingly popular with elected officials, because it shifted the tax burden away from property owners and onto business and commuters, no small matter in a city that had the highest percentage of homeowners in the country, a significant number of whom were current or one-time public employees. Over time the wage tax evolved into the highest in the U.S., at nearly 5 percent for residents and 4.3 percent for commuters. Combined with the nation's largest transfer tax on real estate (also almost 5 percent) and a "business privilege tax" (a tax on gross revenues, whether a company is profitable or not), it served as an open invitation for business to leave Philly—which it did. The city's remaining business elite offered little resistance; its members, mostly commuters from the Main Line suburbs, withdrew even further from civic affairs as they came under increasing ethnic and racial resentment in the sixties and seventies.

Philadelphia might have continued to stumble along if it hadn't been for comptroller Jonathan Saidel, a levelheaded CPA. In 1991, toward the end of the Goode administration and shortly before Rendell took office, Saidel refused to back the annual sale of tax anticipation notes that rolled the city's debt over from one year to the next. He was deliberately provoking a crisis. "It was," he said, time "to get back to the basics of what municipal government is all about." Staggering under the weight of a $206 million deficit and a junk-bond credit rating that made it almost impossible to borrow, the city simply stopped paying its bills and couldn't fund its basic pension contributions. *City and State* magazine ranked its fiscal condition the lowest of the nation's 50 largest cities. To meet the crisis, the state appointed an oversight board, PICA (the Pennsylvania Intergovernmental Cooperation Authority), to borrow for the city and supervise its fiscal practices, placing Philadelphia in what amounted to limited receivership.

When Rendell assumed the mayoralty in 1992, it didn't take him long to realize the magnitude of

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the problem he had inherited. Philadelphia was facing a cumulative deficit of nearly $1.25 billion over the next five years—larger than the entire budget of the city of Houston—and an immediate deficit that had grown to $230 million. Rendell understood that, in a city that had raised taxes 19 times in 11 years, this approach was no longer an option. If the city did any more to drive out its middle class, he said, it would become "Detroit without automobiles." And while Frank Rizzo, his opponent in the election in a comeback campaign, had insisted that there was a "federal responsibility to come to the aid of Philadelphia," Rendell saw that the national political climate of the 1990s had blocked that route. Stop looking to Washington and Harrisburg, he announced in a speech on the looming budget disaster: "The only resources that we can rely on to solve our problem is ourselves." And he meant it—at least for the time being.

Rendell's finest hour—his pivotal struggle over the city's fiscal future—came in the summer of 1992, during contract negotiations with the four primary municipal unions. His goal was almost unfathomable in past Philadelphia terms: he had to trim $110 million from their departmental budgets. In the last ten years alone, employee compensation had doubled from about $25,000 per employee to more than $50,000. The city was paying an astounding $475 per employee per month for health and welfare benefits, one of Rizzo's many onerous legacies. And to make matters worse, some of this money, which was administered by union officials, appeared to be paying for mortgages on union buildings and union patronage jobs. Equally important were noneconomic issues, such as work rules that made it almost impossible for the city to fire or transfer incompetent or extraneous employees. In sum, what the mayor needed to do was to roll back decades' worth of perks and redefine totally the way the city managed its workforce.

In the negotiations, Rendell faced not only the usual threat of strikes and a loss of significant

The wreckage after former Mayor Goode bombed MOVE, killing eleven.

NEIL BENSON

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Society Hill still sparkles.

support in the next election but racial violence as well. According to journalist Buzz Bissinger in his much-praised book, *A Prayer for the City: They Said It Was a Place That Couldn't Be Saved—One Man Decided to Save It*, the mayor's most stubborn and powerful adversary was the largely African-American District Council 33 of the American Federation of State, County, and Municipal Employees. AFSCME leader Jim Sutton threatened: "If you think L.A. had a bad time, mess with District Council 33." Nor was it seen as an idle threat. With a lingering memory of the race riots of 1964, and highly conscious of their 59 percent black and 39 percent white population (as of 1996), Philadelphians had lived for over 30 years in a racially charged political atmosphere. Official appointments were carefully vetted for racial propriety; elections tended to fall along strict racial dividing lines. In the 1987 mayoral election, for instance, Wilson Goode received 98 percent of the black vote, while Rizzo (in yet another comeback effort) won 97 percent of the white vote. Rendell himself, though now popular with blacks like Virgil the bus driver, knew at the time that he owed his Democratic primary victory in 1991 to the efforts of two African-American opponents to "out-black each other," in the words of one local observer, and that one of the greatest challenges ahead of him was to earn the support of his city's black population.

Despite these pressures, Rendell, his back to the wall, did not blink at Sutton's threats. He waged a brilliant battle. His counter-threat was to privatize Sutton's political base, the sanitation department. On another front, Rendell leaked to the press doomsday scenarios of massive layoffs and lists of some of those work rules most likely to enrage the public, such as 14 paid holidays, including Flag Day. And in a bargain that would eventually come to mar his legacy, he elicited the support of the mercurial African-American City Council president John Street, boss of North Philadelphia, who like Rendell opposed further tax increases. Famous for never forgetting a slight, Street was feared as much as admired, but his cooperation was essential for Rendell's agenda.

For months, the unions thought Rendell, facing the threat of chaotic strikes and race riots, was bluffing. They tried delay; they brought in national labor leaders to hurl their standard slogans and intimidate the mayor. But with public opinion firmly behind Rendell and with the City Council quiescent

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under Street's command, none of it worked. The mayor triumphed in October with a four-year contract stipulating no raises in the first two years, only minimal ones in the following two, and a lowering of health benefits to $360 a month per employee. The contract reduced paid holidays from 14 to ten and gave the city greater control over worker productivity. Though no one knew it at the time, Rendell had secured union boss Sutton's quiescence by signing a secret agreement not to contract out sanitation, regardless of the $30-million-a-year savings and improved efficiency it would have brought.

Before his election, Rendell, having lost the Democratic primaries for governor in 1986 and mayor in 1987, and dogged by a reputation for frat-boy antics and a failure to pay parking tickets, had seemed a less than stellar pol. But in the battle with the unions, he showed he was much more than that, capable of outstanding skill and courage. He not only reversed out-of-control spending and entitlements but also introduced what seemed to be a new model of urban management. After contracting out 15 different city functions, including the guarding of the art museum and the cleaning of City Hall, he had saved the city $35 million a year. By the fall of 1993, without raising taxes and through a host of cost-cutting measures, including renegotiating city vendor contracts, his administration had eliminated the structural deficit it had inherited when Rendell first took office.

On top of that, Rendell as mayor radiated ethnic warmth and helluva-guy ebullience—just the qualities that won him the chairmanship of the Democratic National Committee in September 1999. Attending as many as a dozen events in a single day, making tearful visits to the relatives of wounded police officers, jumping into city swimming pools, on his hands and knees scraping off years of accumulated dirt from the walls of City Hall's men's room, downing hoagies, he raised Philadelphia's spirits and hopes. It began to seem as if the city might become as lively, lovable, and entertaining as Ed Rendell himself. And to raise their spirits even more, Philadelphians woke up to the morning papers to discover that they had been clever enough to elect a mayor worthy of glowing articles in the *New York Times*, the *Wall Street Journal*, and the *Washington Post*.

"It began to seem as if the city might become as lively, lovable, and entertaining as Ed Rendell himself."

Yet there were ominous signs. The mayor himself, the city's Booster-in-Chief, was privately gloomy about his city's future. "We're dying," Bissinger recounts the mayor saying mournfully to the White House aide in charge of intergovernmental affairs. "Forget all the good things I've done; Philadelphia is dying." He had cause to worry. Black and white middle-class families with children were continuing—as they do today—to pour out of the city. They always cited the same reasons: schools, crime, and taxes. Schools, crime, and taxes: it was a recurrent chant—but not one to which Rendell was able to respond. Caught up in conventional assumptions, the mayor, after his budgetary triumph, was ultimately unwilling to grapple with the deeper structural problems that virtually guarantee Philly's continuing decline—showing that even a brush with disaster isn't always enough to galvanize an administration into pursuing wholesale reform.

High taxes head those problems. A study by Penn professor Robert Inman found that the wage tax had cost the city 100,000 jobs between 1966 and 1992. The taxes needed to pay for an aging population of pensioners and current public employees, according to a study by Vertex, a publisher of business tax software, gave Philly the highest business costs of the nation's 27 largest cities, squelching employment. Despite adding 10,000 jobs in 1997 and 1998, during a red-hot national boom, Philadelphia is still down 57,000 jobs from the start of the decade. The city doesn't attract the kinds of start-up businesses flourishing elsewhere. In 1997, Philadelphia had one new business started for every 275 residents, compared with one in 97 in

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After mayors like Frank Rizzo (above), voters buy Rendell's message: I'm a big improvement.

San Francisco and one in 66 in Houston. Meanwhile, the surrounding counties experienced such a boom that a city resident is now more likely to commute to the suburbs than a suburbanite is likely to commute into the city. Though why city residents would want to stay remains a puzzle: a family of four paid 15 percent more in local tax than it would in high-tax New York or Chicago, and twice what it would pay in L.A.

Rendell has made job creation a top goal, yet in response to what he himself calls Philadelphia's "oppressive tax structure," he has managed only a fractional reduction of both the wage and gross-receipts tax. Once he had successfully balanced the budget, he failed to seek other ways of saving the city money—such as further privatization or shrinking the city's workforce—that might have allowed greater reductions. The result: during his entire tenure, city expenditures have risen faster than inflation, and taxes are nowhere near the level that would make Philly attractive to business.

Still, Rendell did understand that Philadelphia's economic future lies not in neighborhoods centered on local factories but in a vibrant Center City, home to what East-Coast developer Bill Rouse calls a "new, hospitality-driven economy" that takes advantage of Philadelphia's rich colonial history. The new convention center, begun before Rendell's election but opened early in his mayoralty, has helped him make the city a tourist and convention stop. In addition to an explosion of new hotels—15 of them in the last five years—Rendell's hands-on promotional efforts produced the groundbreaking for a new performing-arts center, a Disney Quest entertainment center, the 2000 Republican Convention, and probably, courtesy of money from Harrisburg rather than the city treasury, two new sports stadiums. Today, Center City contains 40 percent of the city's jobs, a fact that sometimes provokes grumbling from the neighborhoods that Rendell is really only the mayor "from Pine to Vine," the two streets that mark the boundaries of downtown.

Rendell's personalized deal-making, though, has an old-fashioned, big-city-mayor quality that has blinded him to the opportunities that the new biotech and finance firms blossoming in nearby Chester and Montgomery Counties present, even though many of these firms along booming suburban Route 202 had their start at the city's universities and medical schools. Instead, the mayor has

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sought to revive—expensively—the antiquated but historic Philadelphia Naval Yard. He and Governor Tom Ridge have given the Anglo-Norwegian firm Kvaerner over $400 million in subsidies, for which Kvaerner was obligated to create between 700 and 1,000 jobs—a $400,000 subsidy per job, at best. Worse still, Kvaerner, faced with low-cost competition from other countries, has now withdrawn from the shipbuilding business, as if to mock the city's superannuated approach to job creation. So that $400 million—which, notes David Thornburgh of the Pennsylvania Economy League, could have begun buying down the wage tax that is chasing off more innovative businesses—bought virtually nothing.

MARK STEHLE/AP

Rendell annointed John Street (right) as his successor.

Nowhere are the limitations of Ed Rendell's public-subsidy, deal-making approach to job creation clearer than in his agenda for impoverished North Philadelphia. Rendell had once described the area as a "tumbledown, emptied-out, garbage-strewn sprawl . . . , where seven of ten adults are unemployed and where children by age 12 develop a total lack of hope." In truth, North Philadelphia's "badlands" are probably the worst American slums of the last half century, more like the shantytowns of Santo Domingo than anything we associate with the United States. With their collapsed houses, abandoned lots, and daytime drug zombies, areas like Kensington, ten minutes north of Center City, compare unfavorably to the South Bronx of the 1970s. This is the district of City Council president John Street, a man who often casts himself in the familiar Philadelphia role of defender of the neighborhood against Center City interests. "We pay and pay," he once cried (with some hyperbole), "and all we see is fancy buildings going up in the center of town."

This sort of charge must have made Rendell wince, for he had often worn his compassion for the inner-city poor on his sleeve. More than any other big-city mayor, he continuously opposed welfare reform because of the "fiscal and human catastrophe" that he warned would ensue once thousands of former recipients looked for work in his job-hungry city—despite the mounting evidence that seemed to contradict him in his own streets. He displayed some of the same moral urgency when he set out to get federal money for an empowerment zone in North Philadelphia, aimed at bringing jobs to those same welfare recipients. Author Bissinger, who makes Rendell's testimony before the Senate Finance Committee hearing on empowerment zones the emotional high point of his book, describes him as speaking of the city's plight and its economic decline "with passion that reached just a notch below outrage, . . . urgently as if his words couldn't keep up with the fervor of his belief in them." His plea for federal funds, Bissinger assures us, wasn't just another request for a handout from Washington. Instead, says Bissinger, he was "seeking a way, at minimal public expense, of bringing an obliterated portion of the American landscape back to life."

It was quite a performance, but its outcome casts doubt on its sincerity. In a series of searing articles in the *Daily News*, investigative reporter Paul Davies described how both Street and Rendell looked the other way as the empowerment zone degenerated into a useless patronage operation. It appears that Rendell's administration rested on an alliance that was at once a stroke of political genius and a devil's bargain. Street delivered the City Council for Rendell's agenda of relative fiscal

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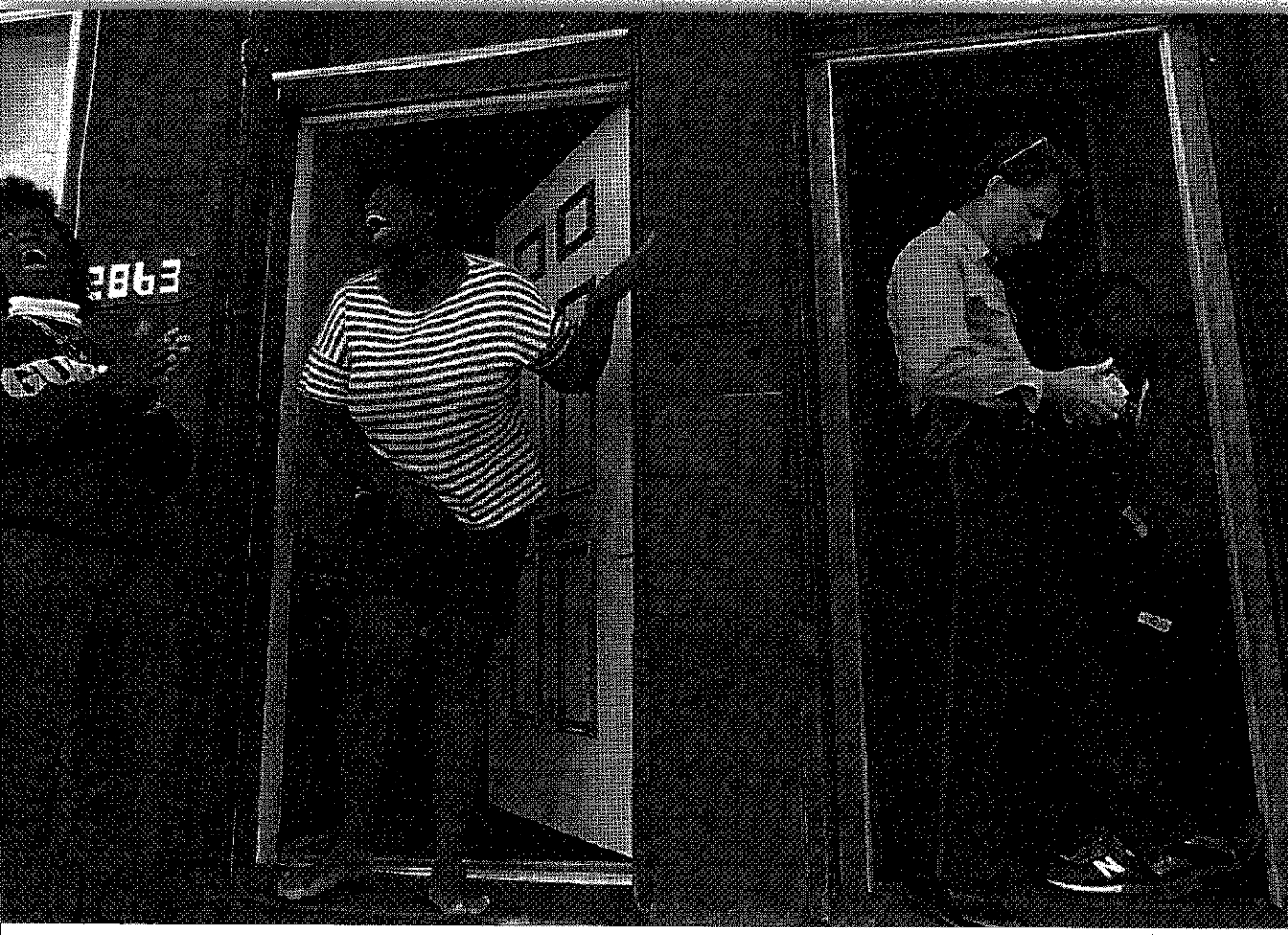

North Philly neighbors laugh as officers make a cocaine arrest.

restraint and downtown development, while Rendell gave Street a free hand in North Philly and the promise of support when the councilman ran for mayor, as he is now doing. Their cooperation has cooled racial passions, but at the cost of the continuing collapse of North Philadelphia.

Now, five years and many millions of dollars after the mayor's dramatic performance before the Senate, the empowerment zone has produced numerous jobs and contracts for John Street's allies, several large holes in the ground where the Billie Holiday Entertainment Complex was supposed to be, and hundreds of thousands of dollars in unpaid bills. And the response from Philadelphians? Davies's stories have produced a collective "What did you expect?" True, as the zone has come under federal and state investigation, Rendell has felt compelled to take action: the sign touting Rendell and Street at one of the sites has been removed.

Rendell's crime policies have been feckless and outdated, too, though this time some Philadelphians refused to be satisfied. The Philadelphia police needed reforming, for sure. The department, notes Temple professor and former New York cop James Fyfe, "has never been accused of professionalism." It had the dubious distinction of being the first police force sued for systematic brutality and the only big-city force, Fyfe says, "where even white ethnics feared the police." Still, the citizens' fear paled next to city officials' fear of the police as a political force. Thanks to a residency requirement, the Fraternal Order of Police (FOP), which includes commanding officers, patrolmen, and retirees, is a powerful voting block in Philly as well as a big campaign contributor. Judges, D.A.s, mayors, and other elected officials criticize the cops at their political peril.

Rendell played by the old political rules. Trumpeting "statistics" proving that Philadelphia was the safest big city in America—even though as a former D.A. he probably knew that the numbers had been cooked, as has since come to light—Rendell not only pooh-poohed ex–New York City police chief William Bratton's innovative and successful zero-tolerance policing strategy; he also refused requests for a New York–style Mollen Commission to look into systematic, widespread police misconduct. Meanwhile, bowing to pressure from both the FOP and black ministers, who, now that they had a white mayor, were determined to

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have an African-American police chief, he gave the job to the ineffectual Richard Neal, a department lifer. The mayor's "crime policy," explains *Inquirer* columnist David Boldt, "reflects a tacit deal with black leaders," which made Neal the figurehead, while Rendell and his indispensable aide, David Cohen, ran the force on a business-as-usual basis.

Rendell, the FOP, and John Street might passively have let crime ravage North Philadelphia through the mayor's second and final term, had it not been for a North Philadelphia state legislator named Dwight Evans. Evans, who understood the lessons of successful police reform elsewhere, couldn't stomach the toll that crime was taking on North Philadelphia—or Rendell's stubborn provincialism. He asked Bill Bratton to give a Convention Center speech on how he had dramatically cut crime in New York. But in a bravura performance, Rendell continued to insist it was all a perception problem and stole the show back with a handout "proving" that crime had dropped 17 percent in Philly. A few days later, the *Inquirer* showed that, even using Philadelphia's phony statistics, which systematically downgraded those crimes that were allowed to be reported, the numbers had gone up 9 percent. It was only under continued pressure from the African-American Evans and the so-called Gang of Five—a biracial, bipartisan group of state legislators from Philly—that Rendell finally took action. Despite the protest of the NAACP and the black ministers, he pushed Neal aside and brought in Bratton's former top aide, John Timoney, in March 1998.

"For every 100 high-school kids, there were six incidents of crime during the school year."

The FOP has fought Timoney—only the third top cop ever brought in from outside the ranks—tooth and nail. Since the Philadelphia police commissioner can appoint and dismiss only his two top deputies—the rest have both union and civil-service protection—it's been a lonely battle. When Timoney tried to bring in Penn cartographers to help reproduce New York's successful Compstat crime-mapping system in Philly, the FOP filed a grievance that those had to be union jobs.

Even so, the formidable Timoney, who holds two masters degrees and likes to quote Yeats and Joyce, has mobilized popular support for his reforms through virtually nonstop meetings with community and church groups. He has brought hope to neighborhoods that city government had long abandoned. When he launched Operation Sunrise, a full-throttle assault on gun and drug dealing in the "badlands," residents stood on their porches and applauded as police cars and sanitation trucks paraded into Kensington to start the operation, the *Inquirer* reports. Police morale (especially for those cops who had been chafing under the old regime) and public confidence in the force have been rising as crime and complaints against the police have dropped. Murders fell from 418 in 1997 to 338 in 1998, and 1999 looks to be even better, with 166 homicides as of August 16, compared with 200 in same period last year.

Rendell seems of two minds about the policing success forced on him. Though he's been publicly supportive of Timoney, he clings to his old illusions that crime can't fall as a result of better policing but only as a result of an improvement in its supposed "root causes": poverty and racism. Even after Timoney had begun to reduce Philly's crime, Rendell told the *Washington Post* that a growing economy and the decline of crack use were "as responsible as anything for the decline in homicides." It's a slow learning curve.

On education, Rendell has shown more interest in reform than earlier Philadelphia mayors, but even here, because he is ultimately wedded to an obsolete orthodoxy—and because he has been unwavering in supporting a prickly superintendent who has offended everyone—his efforts haven't borne fruit. When he took office, the Philadelphia District—over 75 percent black and

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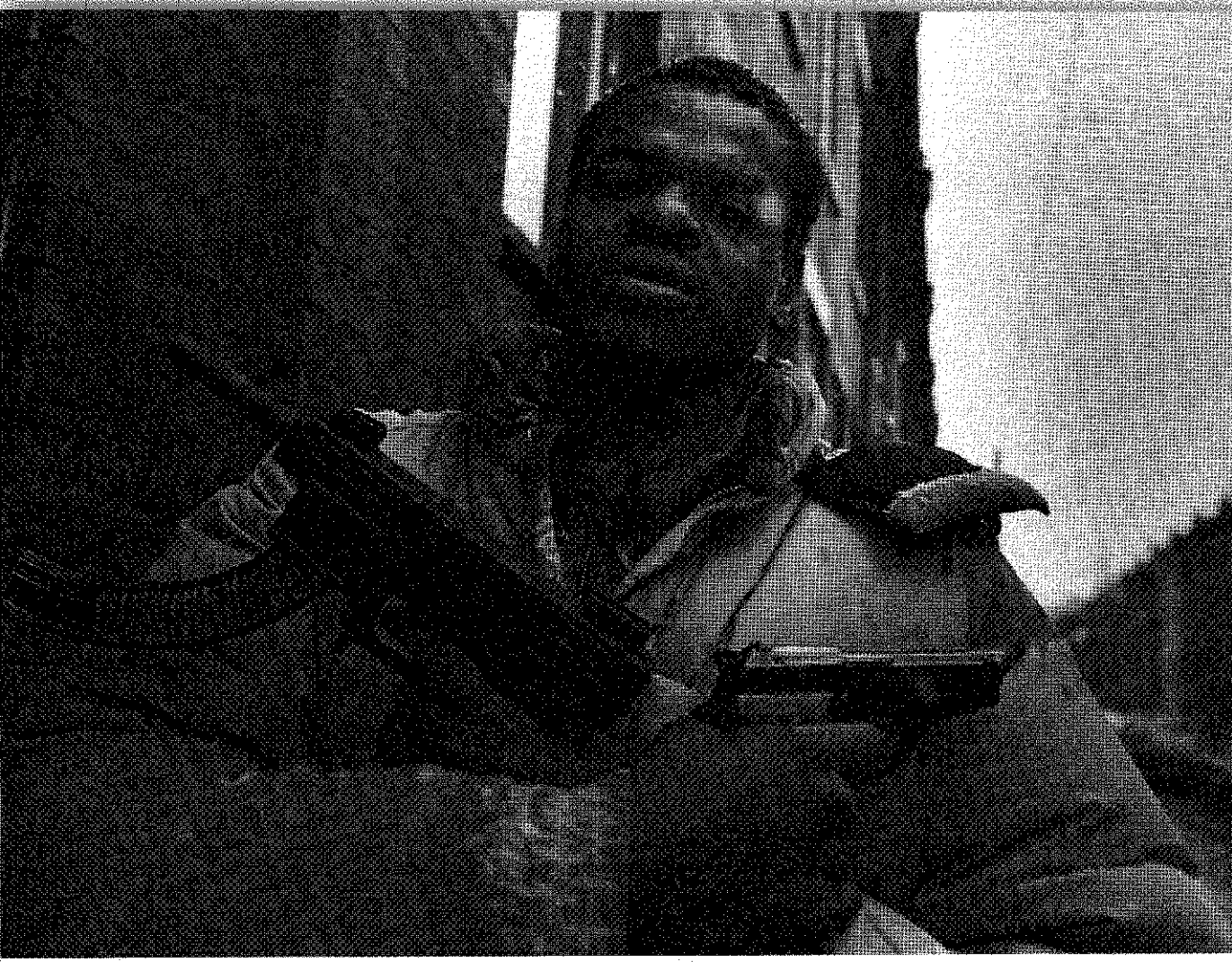

In the "badlands"—perhaps the nation's worst slum—Sam, 21, has the street name "Ruthless."

Hispanic—looked like any other failed big-city system, with only a quarter of the elementary-school children reading at grade level and high-school seniors scoring more than 200 points under the national average on their SATs. For every 100 high-school kids, there were six incidents of crime during the school year, and 25 students suspended. A cumbrously bureaucratic Board of Education oversaw everything from hiring the superintendent to the toilet-paper contracts, often enough granted to board members' relatives. The mighty Philadelphia Federation of Teachers had, among other perks, one of the shortest schooldays in the nation, so short it didn't meet the state requirement for minimum hours of schooling. So bad was the situation that Philadelphia's ordinarily passive business community began to get involved.

When Rendell named David W. Hornbeck superintendent in 1994, he must have thought he was truly living up to his reputation as America's Mayor. Unlike past in-house appointees, Hornbeck had won a national reputation as a visionary reformer as Secretary of Education in Maryland and the architect of statewide reform in Kentucky. The business community, the City Council, even usually wary state officials, greeted his arrival enthusiastically. Board Chairman of the Children's Defense Fund and both a lawyer and doctor of divinity, Hornbeck is an old-fashioned civil-rights liberal, zealously dedicated to the plight of poor minority children.

In a ten-point agenda, with which even his now-numerous enemies have few quarrels, Hornbeck imposed tough standards, testing, and full-day kindergarten, and he sought increased accountability and longer workdays from teachers. But in one key respect, Hornbeck took Philadelphia back to the tired approaches that America's Mayor was supposed to have transcended: he blamed poor school performance chiefly on inadequate funding from Harrisburg—and he did so in the most pious and provocative terms. Philadelphia spends a little over $7,000 per student—a bit more than the state average—and about half of that money comes from the state. But as Hornbeck has pointed out, suburban Lower Merion spends about

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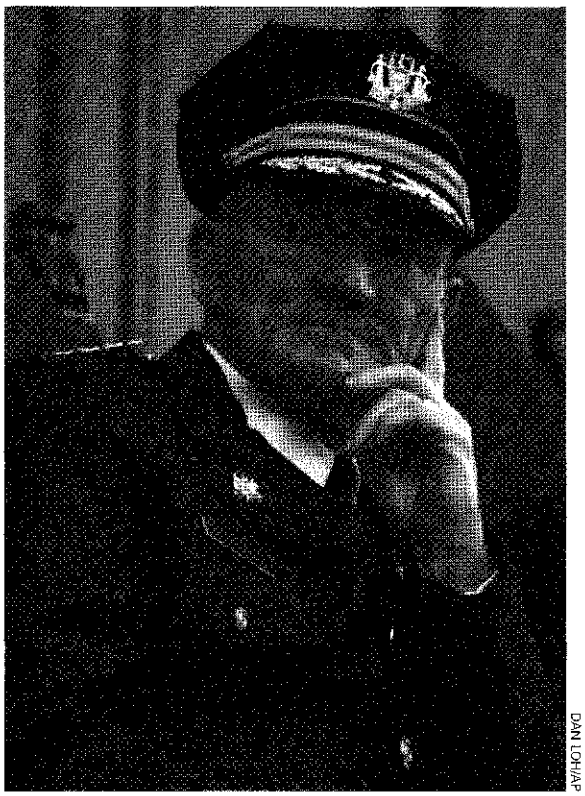
$12,000 per student. Never mind that most of that money comes from local taxes or that the state provides considerably less money per pupil to wealthy districts than to poor. For Hornbeck, the conclusion was obvious: the gap between Philadelphia and Lower Merion was a consequence of racism.

He has lectured relentlessly—hectoringly—about the need for more state money. In one indignant speech, he likened Harrisburg's distribution of education funds to apartheid in South Africa. "Our children," he self-righteously intoned in another, "have been held in bondage, . . . condemned to a modern form of slavery." The climactic moment came in the spring of 1998, when Hornbeck, with Rendell at his side, announced that he was submitting a $1.5 billion budget that would require another $85 million or so from Harrisburg, though the state had not agreed to it. Should the district run out of money, he implied, he would merely close the schools.



DAN LOH/AP

Police Commissioner John F. Timoney

By then, Hornbeck had managed to enrage everyone from whom he needed help—not just Republicans like Governor Ridge but several black, Democratic legislators, his most likely allies. Appropriations Committee head Dwight Evans, for instance, took offense at Hornbeck's charges of racism. Other legislators blasted his strategy as "blackmail." Fed up, Harrisburg passed an emergency measure that would allow the state to take over the district and, for good measure, would significantly weaken the teachers' union by forbidding strikes and bringing entitlements like the assignment and transferring of teachers under state control if the schools did indeed shut down. Radicalized by Hornbeck's hectoring, some legislators got further fired up by the idea of taking over the troubled district. They began to look at school reform in innovative Cleveland, Houston, and Milwaukee. With the governor, they formulated the Academic Recovery Act, a radical attempt at reform that offers distressed districts cutting-edge possibilities, from vouchers to the power to convert existing schools to charter schools or to contract out the running of schools to for-profit companies.

And what was Ed Rendell's view of all this? Just when the state legislature seemed on the verge of passing the Academic Recovery Act, it's widely reported in Harrisburg that the ever-dealing mayor called several Philly legislators to help block it temporarily—which they successfully did—arguing that they could trade their support for the measure later in exchange for more money for city schools. The truth is, though Rendell doesn't strongly disbelieve in charter schools or vouchers, he is no real education reformer; he is stuck in the increasingly outworn belief that more money, rather than systemic restructuring, is the true key to fixing the public schools. A memo from pollster Neil Oxman warned Rendell that schools were going to become the number-one issue in the next election if he didn't do something as dramatic as he had finally done with crime. Oxman went on to say that few citizens believed the argument that insufficient funds were the problem, and fewer than a third of Philadelphians thought Hornbeck should be rehired. According to the *Inquirer*, Rendell pronounced the memo "bizarre" and extended Hornbeck's contract

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into the next mayoralty. And in 1996 he accepted a teacher's contract that was a sorry decline from his heroic 1992 struggle with the unions. It managed to win another 19 minutes of teaching time from the teachers—just barely enough to satisfy state minimums—but that was about it.

Rendell claims that the Philadelphia schools are improving under Hornbeck. True, test scores have risen in the lower grades, but too little, too late. Almost half of fourth-graders and two-thirds of eleventh-graders still can't read at grade level, and Hornbeck has failed to inspire confidence in the very minority families he was dedicated to helping. They want out of his system. When Ted Forstmann and John Walton's Children's Scholarship Fund offered private vouchers to poor families, Philadelphia received 41,000 applications for 5,000 positions, 33 percent of those eligible—a proportion second only to Baltimore. Philadelphia blacks and Hispanics support vouchers by over 72 percent and 78 percent, respectively, according to a recent poll from the Annenberg Public Policy Center. And now African-American leaders like Evans and Tony Williams are calling for what Williams calls a "family-driven process, not a system-driven process."

"Rendell saved the city from immediate disaster, but he didn't stop Philly's long, slow, downward slide."

Morale is low for everyone in the system. Only 38 percent of newly appointed teachers are still on the job after two years, while 15 per cent of the principals and assistant principals have left in the last 13 months alone, in what Michael Axelrod, president of the Commonwealth Association of School Administrators, calls a "massive brain drain." As for the students, up to a third of them do not show up regularly in some high schools, prompting Pennsylvania Secretary of Education Eugene Hickok to scoff, "Class size is not a problem in Philadelphia. No one is going to school."

Shipping executive Steve Van Dyck, until recently Governor Ridge's top appointee to PICA, the city's financial oversight board, summarizes the Rendell years accurately: "Ed did a nice job of picking the low-lying fruit. But he did not fight the big battles that need to be fought." The danger is that the big battles will continue to be put off, because, after eight years of Rendell's irrepressible boosterism, Philadelphians believe their city is in better shape than it is. Councilman John Street, the mayor's "partner" and designated heir, is running for mayor on the premise that there is no need to disturb the current era of good feeling, no need to tackle school and tax reform. In fact, Street, who seems unenthusiastic about Timoney's attempt to curb patronage in the police department, may not even want to hold on to the low-hanging fruit that Ed Rendell picked.

Street's opponent, Sam Katz, though a Republican, is the true successor to the Rendell who warned that "what's dangerous is the belief out there that we've got it licked." One of the financial advisors behind Rendell's first-term success, Katz argues that "Philadelphia must end denial and face up to reality" with "sharply lower taxes" and substantial school reform, including charter schools and vouchers. He promises to leverage the Rendell-era self-esteem into wider reforms. He can't be the favorite in a city that is three-to-one Democratic. But Street's "I'll get even" personality and Katz's ties to black, homosexual, and Jewish voters provide the possibility of a competitive race.

Ed Rendell has kept his bargain and thrown his support behind John Street. But in a moment of stunning candor, he told *Philadelphia* magazine, "If I woke up the day after the election and Sam Katz was the mayor, there'd be no reason to be concerned." It's as if he senses that his own legacy may well be judged on the success of his successor. Rendell saved the city from immediate disaster, but he didn't stop Philly's long, slow, downward slide. The question for this election is whether Katz can, without undermining the city's newfound optimism, convey enough urgency to the voters to get the chance to try. If he can't, expect the city's decline to continue. ■

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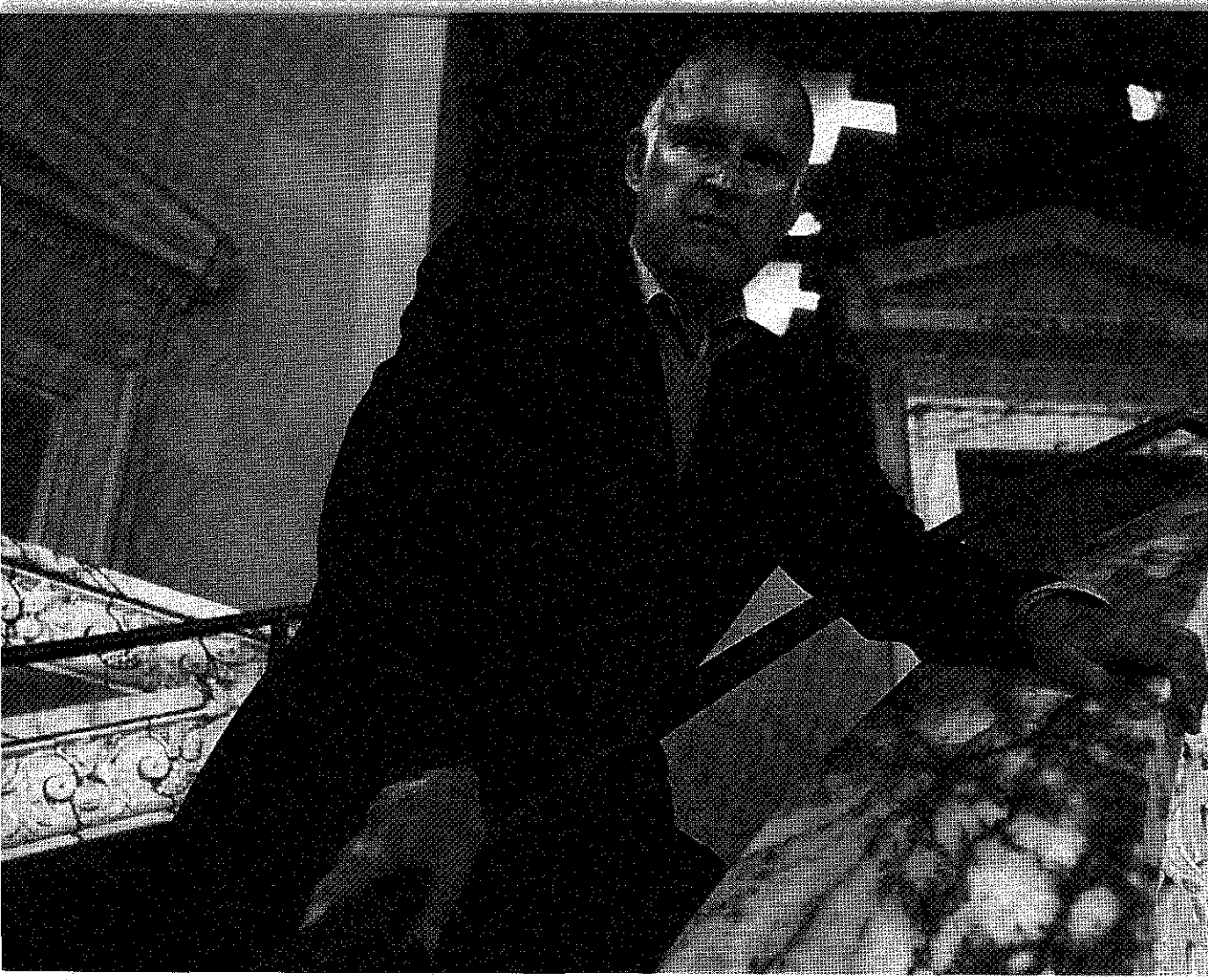

Since taking office last January, Mayor Brown has brought new hope to the East Bay city.

Jerry Brown's No-Nonsense New Age for Oakland

Heather Mac Donald

"Mayor Moonbeam" may talk with his head in the clouds, but he governs with his feet on the ground.

Ask nine pierced and tattooed punks what they think of former California governor, now Mayor, Jerry Brown and his effort to banish crime from Oakland, and you'll get an instant measure of how dramatically Brown has changed the city in his ten months in City Hall. "He's a f--k," announces Scrappy, a blue-haired 25-year-old with tongue rings, nose rings, and dagger-shaped earrings. "Oakland used to be a cool town, but now we can't hang out on the streets without someone saying you gotta go." Last time he wandered through downtown Oakland with his sleeping bag, Scrappy says, the police stopped him five times in seven blocks to ask about drugs. He shakes his head philosophically: "No, they don't like gutterpunks *at all* in Oakland."

Oakland used to be known as Baja Berkeley, but those days may be over. Brown, who won the mayoralty in a landslide in June 1998, carrying every

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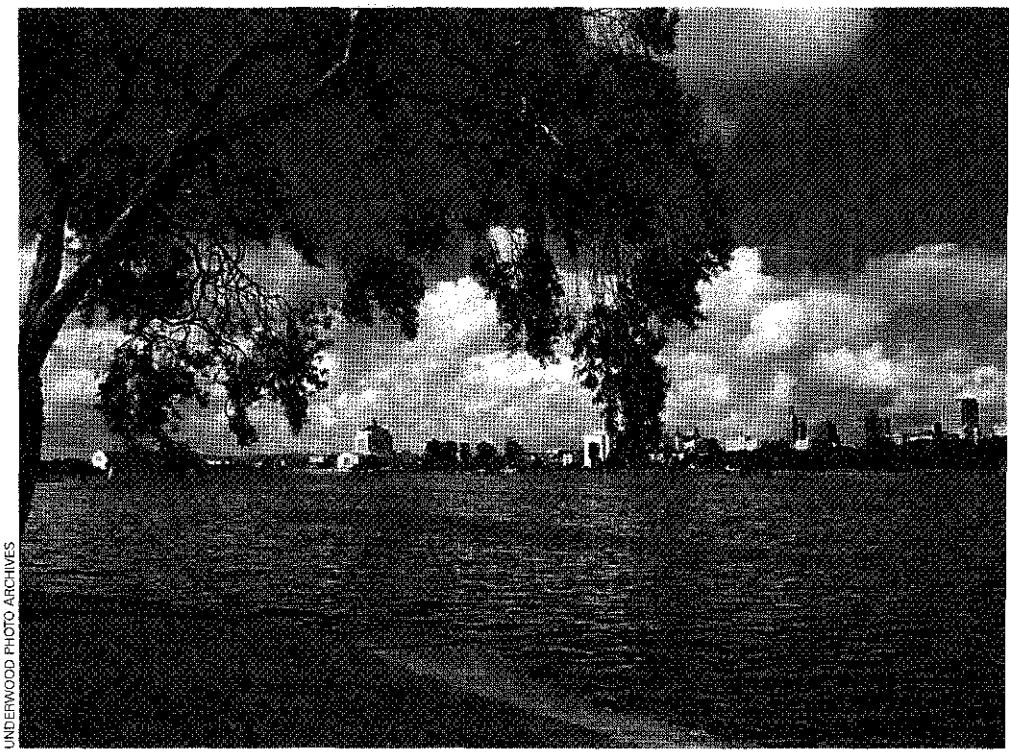
district but two Hispanic ones, is on a fervent crusade to resuscitate this still-lovely city, long associated with urban failure. Should this most enigmatic of politicians succeed in his surprising new role, it will be a testament to an emerging national consensus regarding what cities need in order to flourish—public safety, order, decent schools, and a respect for private creativity.

Brown's election in this birthplace of the Black Panthers has a further significance: it may signal the waning of Oakland's counterproductive race politics. In voting for Brown, black Oaklanders decisively rejected a black political establishment they saw as arrogant and incompetent. Arising in its place is a new breed of black politician, personified by Oakland city manager Robert Bobb—passionate about results, indifferent to racial appeals, and determined to foster personal responsibility. Together Bobb and Brown are cleaning up a barnacle-encrusted city government and shaking off the failed orthodoxies of the Great Society.



UNDERWOOD PHOTO ARCHIVES

Brown pushed for development around downtown Lake Merritt.

Since taking office, Brown has relentlessly pursued four goals, ignoring backlash from disgruntled insiders and from anti-development community groups. He wants to bring 10,000 new residents to downtown Oakland by attracting unsubsidized, market-rate housing; to reduce crime 20 percent a year; to start charter schools; and to strengthen the arts. Sitting ramrod straight on the edge of a chair in a newly pressed white collarless shirt and dark jacket, his eyes downcast and his gravelly voice halting abruptly at the ends of phrases, Brown promoted his agenda at an East Oakland neighborhood meeting last August. Austere to the point of stiffness, rubbing his hands absentmindedly on his knees, Brown is an unlikely politician—but most of the group is eating it up. They ask hopefully about real estate values downtown, with the poignant yearning of Oaklanders to recover their city's vanished vitality.

A lesbian mother of two asks the inevitable, race-tinged question about "gentrification": "I'm concerned how you plan to maintain diversity over time downtown," she says piously. Brown squints at her from under his bushy eyebrows and shoots back: "There's no diversity there now. You have a homogenous population—the elderly, parolees, people in drug rehab, from mental hospitals, transients—concentrated, because people are working the system. This is not the vibrant civic culture some might have in mind."

This kind of talk is a far cry from Brown's rhetoric at the start of his campaign in early 1997.

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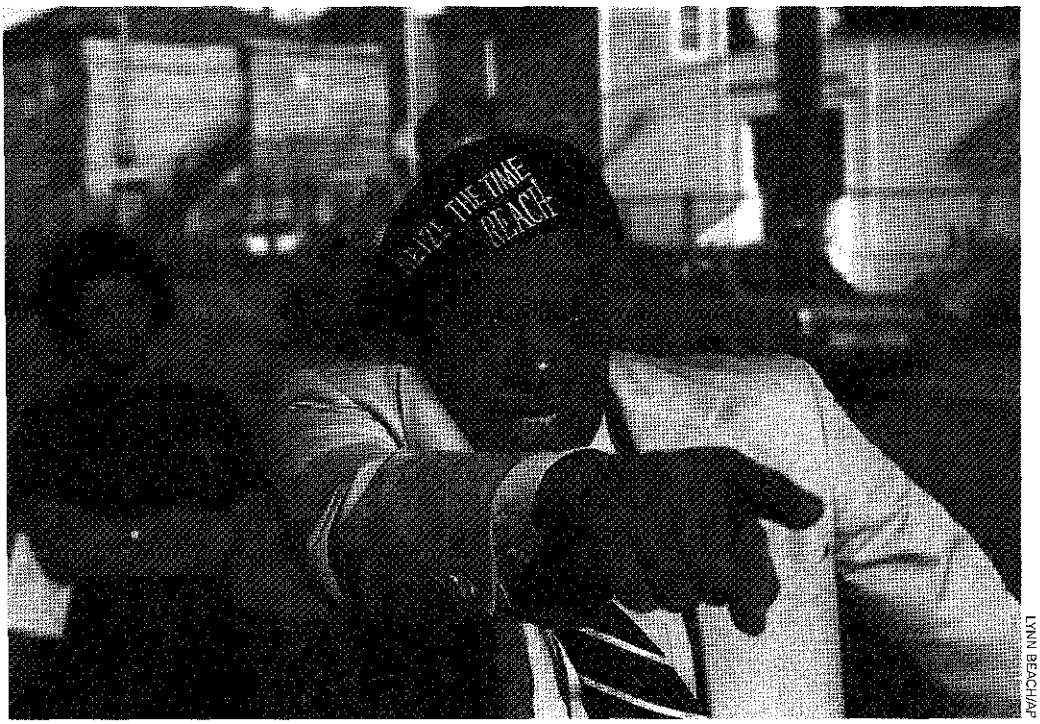

LYNN BEACH/AP

Oakland's race relations have mellowed since Bobby Seale (above, today) . . .

"I see Oakland as an 'ecopolis' of the future—a city that is both in harmony with the environment and in harmony with itself," he enthused then. Such language was right out of the obscure populist organization called "We the People" that he then headed from his $2 million loft building in the newly trendy Jack London area of waterfront Oakland. Having moved there from San Francisco not long after his disastrous 1992 run for president, Brown had continued to hammer away at his presidential campaign themes of corporate greed and political corruption, as well as to pursue the New Age interests he'd cultivated as California's "Governor Moonbeam" from 1974 to 1982: biodynamic gardening, yoga and meditation classes, and discussions on ecologically sensitive urban planning. His weekly talk show on far-left Pacifica radio featured various countercultural critics denouncing global capitalists, American inequality, and the "propaganda system of the so-called free world."

But once on the mayoral campaign trail, Brown noticed that Oaklanders cared more about crime, abysmal schools, and the continuing downtown economic vacuum than about environmental sustainability and social justice. He sagely jackknifed. Whereas as radio announcer he had mocked the war on crime as a media-driven "scam" serving only the interests of prison guards and "corporate criminals" (i.e., CEOs), as mayoral candidate he began speaking with ruthless honesty about Oakland's public safety problem. "Muggings, car break-ins, burglaries—this is real, no matter what anyone says," he declared a month before the election. "The city has to ensure your safety. Any administration that can coexist with an increasing number of people locked up in their own homes is not doing its job." Now that he's in office, the turnabout persists. As a talk-show Jeremiah, he had blasted welfare reform and argued that "crime in the suites" is more dangerous than "crime in the streets," yet now he is wooing large corporations to Oakland and complaining that welfare recipients are "working the system." On the radio, he complained of a "conspiracy" to lock people away, yet as mayor he plans to imprison as many of Oakland's criminals as he can get his hands on.

The truth is that, beneath his left-wing rhetoric, Brown has a realistic, even conservative streak, as he proved during his two terms as governor, when he held down state spending, called for mandatory prison sentences to increase the cost of crime, and announced the death of liberalism: "The fact that there's a problem does not mean that more government will make it better. It might make it worse."

Now that he's an elected official again, the realism is back. "If you countenance open drug markets, shoplifting, car thefts, you're not going to have a city," he says in his dark, high-ceilinged office,

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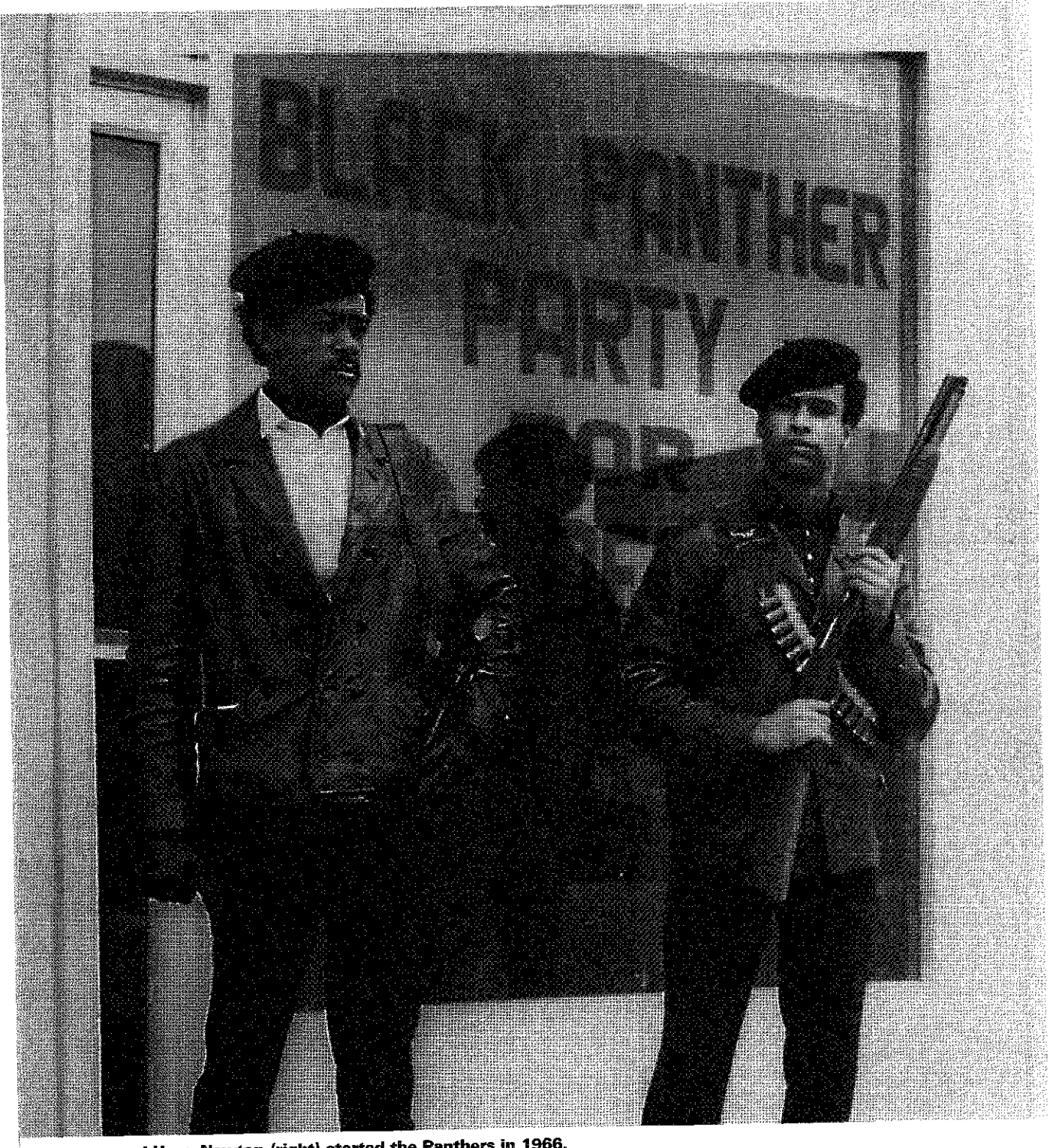

. . . and Huey Newton (right) started the Panthers in 1966.

decorated with sixties classics like Paul Goodman's *Compulsory Miseducation*. Though he's not about to repudiate his recent left-leaning credos, he's not going to govern according to them, either. "You can look at the social dynamics [of crime] and realize what's caused this," Brown explains as he shifts back and forth between a modernist chair and a dark taupe couch. "But after you've looked at all that, now you're here, you're in the neighborhood. If someone's selling dope on the street—hey, you've got to get him out of there. It's that simple." He chooses his words carefully, gesturing expansively. "I want to deal with transforming the urban space. While I can give you an analysis of why this is from a global point of view, when it is time to effect improvement I'm going to use every lawful

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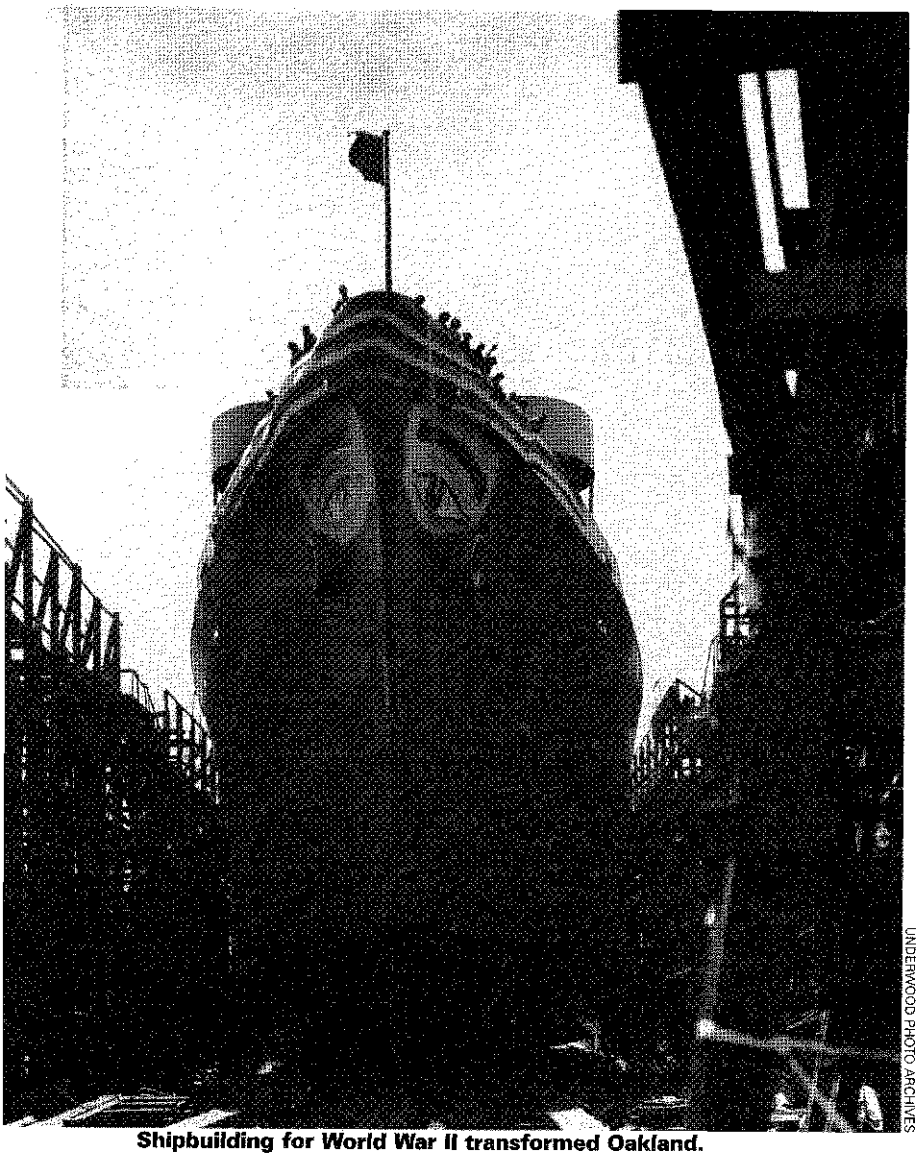

UNDERWOOD PHOTO ARCHIVES

Shipbuilding for World War II transformed Oakland.

constitutional means to get those improvements within the time frame I set forth."

Watching Brown's ceaseless efforts to promote Oakland, residents are dropping their usual ironic defensiveness about their city and indulging in optimism. There is a palpable energy downtown, particularly noticeable among developers long-accustomed to bureaucratic inertia and crippling regulatory roadblocks. One morning last August, a beaming Ken Hofmann, co-owner of the Oakland A's, escorted an enthusiastic team of developers through City Hall's marble rotunda to tell Brown about their plans to convert an abandoned GM plant into lofts. Several weeks later, Brown repaid the courtesy by showing up at an East Oakland community meeting to support the project against the inevitable opposition, part of his ceaseless rounds of the city to encourage change.

Local real estate agent Dean Treadway marvels at Brown's determination to get things built. Treadway just brokered the sale of a $5.5 million property on Lake Merritt known as "Das Hole," named for the unfinished subterranean parking garage that has gaped at the site since the early 1980s. When the new owners announced plans to put up a 20-story condominium, neighbors strenuously objected that the project would cast shadows on the tiny downtown lake and disturb the ducks. "The opponents were nipped in the bud," marvels Treadway. "Brown doesn't put up with it. He just charges ahead, saying these projects will be good for the city." Indeed, Brown boasted of his unwillingness to brook opposition in his state-of-the-city address three months into his term. "Every single project that has surfaced in the first 100 days has been opposed," he said. "Many of these reasons are fine, but if we let them decide the day, we're moving back to stagnation."

Brown's market timing is excellent. Housing and office costs in San Francisco—just a few minutes across the bay from Oakland on the BART subway line—are astronomical; despite a 1 percent

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apartment-vacancy rate, anti-development forces there are crushing new construction and loft conversions. For the last several years, developers have been scouting out Oakland, attracted by its cheap land. San Francisco–based mega-developer Doug Shorenstein, for instance, delighted the city by buying the failed City Center downtown office and retail project at fire-sale prices several years ago, and polishing it to a fare-thee-well. Major tenants now include American President Lines, Deloitte & Touche, and Merrill Lynch.

Interest has heated up under Brown's 10,000-new-residents initiative; housing developers are flying in from across the country, drawn by Brown's determination to sell off all the city's big properties. Businesses are moving from San Francisco and Berkeley, too, drawn by 50 to 65 percent lower rents. "What continued to impress us was the city's very aggressive approach in getting major companies here," says Dick Partida, a vice president at Koret, a $300 million-a-year women's clothing manufacturer that left San Francisco for Oakland this year.

"Businesses are moving from San Francisco and Berkeley, drawn by 50 to 65 percent lower rents."

With an almost guileless personal directness coupled with intellectual intensity, Brown has won a following across all social classes. A table of off-duty cops at a bar in the Jack London district breaks into smiles when Brown walks in. "How's it goin', Mayor?" one officer happily asks him. Even Oakland's vagrants have caught the new civic spirit. Three men in various states of decay are playing dominoes in newly renovated, oak-shaded Lafayette Square behind Broadway, Oakland's main business thoroughfare. Condemning the city's new enforcement of quality-of-life laws, the men complain that the police harass them now for littering and open liquor containers. "How can you drink if it's not open?" jokes an older man encased in layers of filthy clothing. Yet a younger man in black overalls comes to Brown's defense. After scooting a crushed Budweiser can across the asphalt walk like a shuffleboard puck, he says: "I've seen a lot of good things Brown said he'd do in this park. He's made some excellent changes." He points with seeming pride to development on the periphery. "They're building new condos around here," he says, though he criticizes the lack of "affordable housing."

That even these citizens could find something to support in Brown's crusade shows how hungry Oaklanders are for a success story. For three decades, Oakland has been sold one massively subsidized development scheme after another—freeways, a West Oakland BART station that was supposed to ignite retail development, a convention center, government buildings, an abortive downtown shopping center, the Raiders' fiscally disastrous return, a soon-bankrupt ice-skating rink. All were supposed to bring the city back to life, but many projects only made things worse by tearing down existing buildings and leaving empty parking lots. And Oakland's once-proud history faded from memory, though it is still visible in the city's architecture.

Oakland sprang into existence during the California Gold Rush as a more bourgeois—as well as sunny—alternative to San Francisco's wild debauchery. It prospered for 100 years. By making it the terminus for the first intercontinental railroad in 1869, the Central Pacific cemented the city's role as the shipping hub for the entire West; two more national railroads followed suit. Oakland's waterfront, where numerous factories processed California's raw materials before sending them overseas or back east, quickly became "one vast workshop for the Pacific Ocean," as an 1877 real estate brochure boasted.

Oakland started gracing itself with grand public buildings at the turn of the century. Wealthy San Franciscans ferried across the bay to the imposing Hotel Oakland for sun and healthful air; today, in

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the arc typical of many cities, the hotel provides subsidized housing to senior citizens. As development moved uptown along Broadway and Telegraph Avenue, department stores and movie theaters erected fantastical Art-Deco temples, like the immense, maniacally ornate Paramount Theater. Smaller stores were no less sumptuous; today, these little jewel boxes, encased in jade or celadon tile, with gold-leaf acanthus moldings encircling doors and roofs, often are struggling to survive or standing vacant next to burned-out buildings.

In the first two decades of the twentieth century, Oakland embraced progressive reformist politics and City Beautiful urban design, by contrast with San Francisco's gritty political bossism. For a while after the 1906 San Francisco earthquake, it seemed possible that California's business nerve center might shift from San Francisco, nearly always visible under its fog canopy across the bay, to Oakland. But the construction of the Bay Bridge and Golden Gate Bridge in 1936 and 1937 ended that East Bay hope, by making San Francisco easier to reach and solidifying its status as the commercial and financial heart of the state.

World War II transformed Oakland. Along with nearby Richmond, the city boomed as the West Coast's largest shipbuilding center and the supply and distribution point for the Pacific war basin. Operating 24 hours a day, the shipyards drew in a flood of workers from across the country and rolled Liberty Ships into the Alameda Estuary after a mere three weeks in construction.

The city's population swelled by a third from 1940 to 1945, and a long demographic shift began: black residents grew from 3 percent of the population in 1940 to over 12 percent in 1950, nearly 23 percent in 1960, 34.5 percent in 1970, and 46.9 percent in 1980, making Oakland California's black capital. In the last decade, an influx of Mexicans, Chinese, and Filipinos has reduced the proportion of blacks in the 400,000-person city to around 40 percent, with whites at 30 percent.

Oakland's first blacks were proudly respectable "railroad men"—mostly Pullman porters, who settled into West Oakland around the train stations and shared the era's progressive beliefs. A 1913 editorial in the *Oakland Sunshine*, a black newspaper, typifies their civic-minded optimism: "What, I ask in all seriousness, with the advantages which our schools afford our young men, are their possibilities in the future? They are simply unbounded and indescribable." These old-timers were wary of the World War II migrants. Before the war, West Oakland had been relatively integrated and racially harmonious, but many of the new Southern migrants brought with them the expectation of segregation and, old-timers grumbled, an inclination to public disorder. But they brought spending power, too. Hot West Oakland jazz clubs drew people from miles around (as did the new prostitution, bootlegging, and gambling operations); a black professional class grew up to serve the new workers. Today, many view West Oakland's thriving war years as the Harlem Renaissance of the West.

The war's end brought Oakland's boom to a halt, and in the fifties giant companies such as GM and GE moved their plants out to bigger suburban tracts. While Oakland's surrounding Alameda County gained over 10,000 manufacturing jobs between 1958 and 1966, Oakland itself lost nearly 10,000 jobs—and 23,000 residents between 1950 and 1970.

The War on Poverty filled the vacuum. After the Johnson administration deemed Oakland ripe for the next race riot—based on unemployment and racial tensions, underscored by one black leader's threat to a federal official that "we'll have a Watts here, and kill and bomb"—the feds rolled in a $23 million pilot jobs program in 1966, hoping to forestall trouble. Governor Edmund G. (Pat) Brown, Jerry's father, welcomed Washington's decision to "conduct in Oakland a massive experiment in solving the principal urban problem, unemployment." Though the result of the experiment was pitifully few new jobs, 140 non-military federal programs were spending $100 million a year in Oakland by 1967, close to twice the city's own budget. The city became a laboratory for government poverty fighting, closely studied by Berkeley urban-planning professors.

The War on Poverty didn't end Oakland's poverty, but it did trigger a momentous political upheaval. Oakland had always been a Republican town. Its twentieth-century patriarchs, Congressman Joseph Knowland and his son U.S. Senator William

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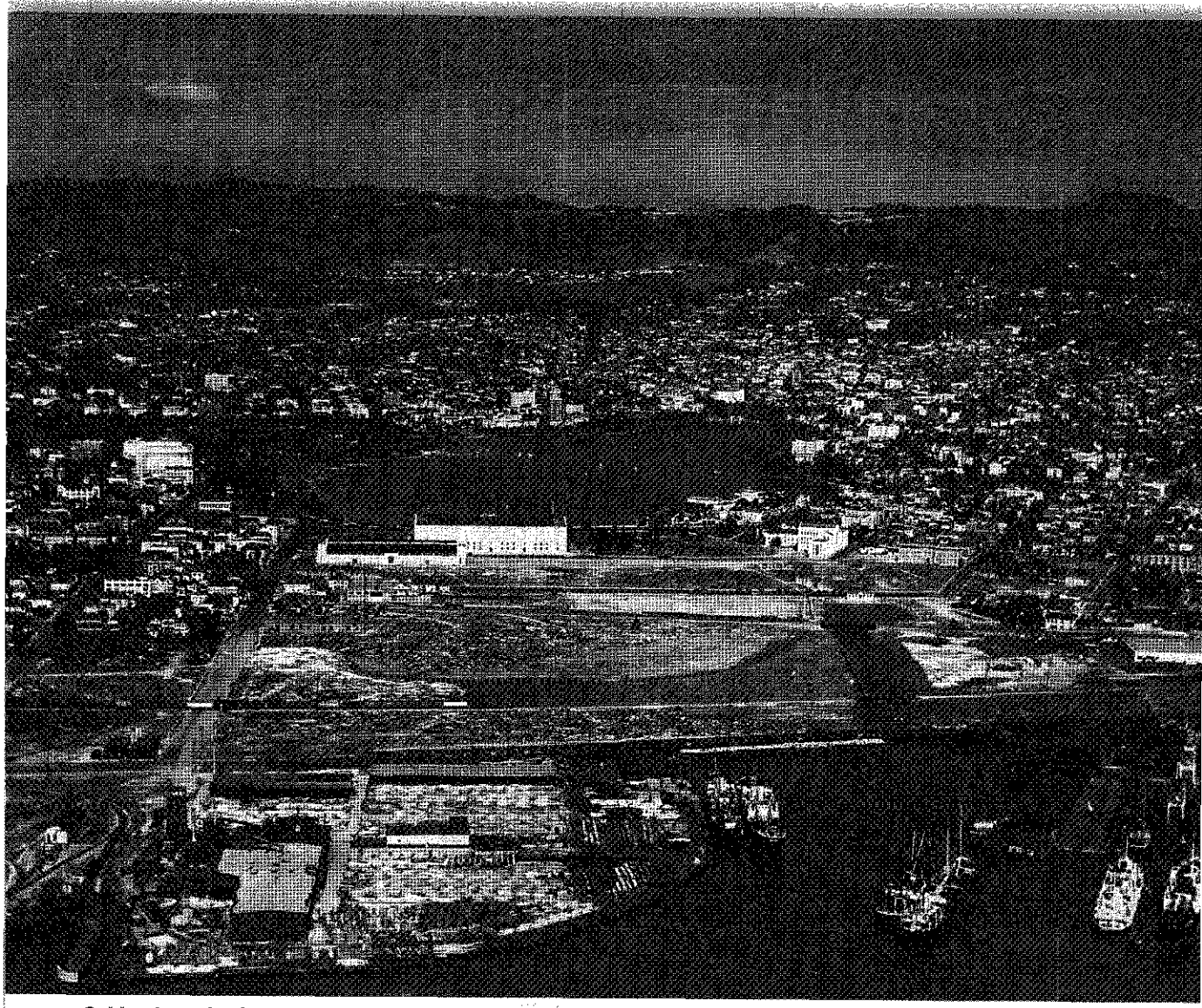

Oakland nestles between the Alameda Estuary and redwood-dotted hills.

Knowland, led the national party's conservative wing and directed local politics from the turquoise and rose tower of the *Oakland Tribune*, which they owned from 1915 to 1977. "Kingmaker" Joseph Knowland pushed the careers of such Republican notables as Earl Warren, later U.S. Chief Justice, and Alameda Assistant D.A. Edwin Meese, later U.S. Attorney General; William ("Senator Formosa") Knowland, infuriated that opponents were recruiting Berkeley students to demonstrate against Barry Goldwater's nomination in 1964, set off the Free Speech Movement by pressuring the Berkeley chancellor to ban political organizing on campus. Oakland's city council backed the Knowlands' conservative policies: it was committed to cutting taxes and skeptical of government's ability to solve social problems.

While Washington poured anti-poverty money into Oakland, the Black Panthers were on the rise there; Huey Newton had founded the violent black-power group in 1966, partly as a response to real and perceived police brutality. The Panthers glorified black criminality; they preached the murder of police officers and practiced what they preached. While wowing white radicals and the liberal establishment with their breakfast programs, free clinics, and Panther school, they were establishing a violent criminal empire in Oakland and pilfering from their community centers.

The Panthers co-opted a big slice of the anti-poverty effort, as their members took control of many community War on Poverty boards and doled out enough federal and state funds to make themselves formidable power brokers. By the 1970s, the Panthers had become an important force in Oakland politics and the state Democratic Party. Panther Bobby Seale made a credible run for mayor in 1973, and Panther Elaine Brown got 40 percent of the vote for a city council seat in 1975, with the backing of Congressman Ron Dellums and organized labor. In 1976, Governor Jerry Brown

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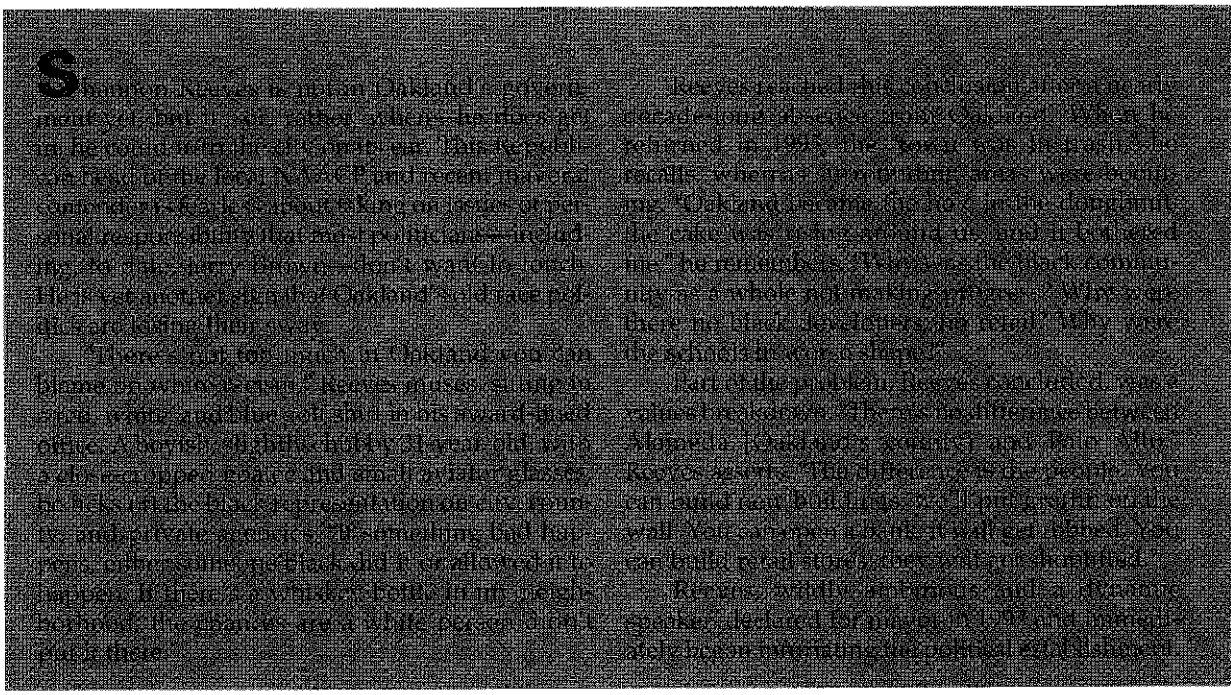
appointed her as his delegate to the Democratic presidential convention.

The next year, Elaine Brown parlayed her new clout into a political revolution. With her assistance, Lionel Wilson, a former judge, became the city's first black mayor—and its first Democratic one. Though Panther power waned thereafter, the group had been key to making Oakland a black-controlled Democratic town, with black majorities on the city council and the school board, and black chiefs of most city departments.

Like any political machine, the black Oakland machine viewed government as a jobs program. During a 1996 teachers' strike, school-board member Toni Cook rejected calls to cut the school bureaucracy on the grounds of racial solidarity. "I will not send people home without a job," she asserted—"and they look like me disproportionately." The city bureaucracy that grew up became legendary for haughtiness and intractability. When a big-money developer came to town to look at several city-owned properties, he arranged for the city development officer to show him around. As he waited for her outside one of the buildings, a sedan rolled past and slowed down; a set of keys came hurtling out the window. The development officer, late for another meeting, had simply thrown out the keys to the building and driven past.

Oakland has long harbored the full complement of urban ills. By 1990, 20 percent of the population was on welfare, and the poverty culture is still thriving. Crime spiked up in the 1970s, when brutal drug lord Felix Mitchell created the country's first large-scale, gang-controlled drug operation. Gangs still operate in the East Oakland housing projects where Mitchell reigned, contributing to a murder rate over twice that of San Francisco and New York. As in all western cities, appearances in the city's most dangerous areas are deceptive. Filled with Victorian cottages and 1930s bungalows rather than the oppressive brick projects of the East Coast, spread out horizontally under the huge sky rather than squeezed up vertically, East and West Oakland—in the flatlands between the estuary and the affluent foothills—retain some of their original charm during the day, despite the occasional stripped car, burned-out house, and trash-strewn vacant lot. "At night, it turns into something else," advises Archie, a recovering drug addict with a diamond stud in his ear and a big tattoo on his heavily muscled arm.



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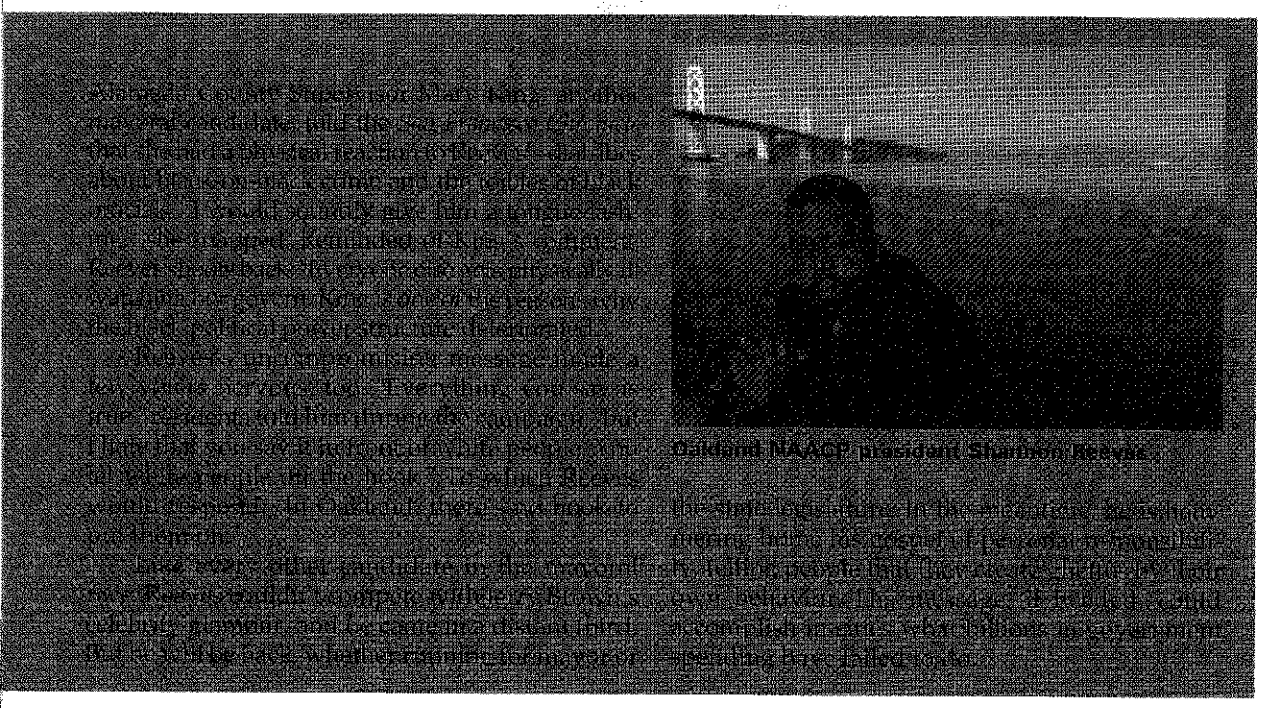
Despite missteps, Oakland has made some sensible efforts to fight its problems in the last decade, especially with its port initiative. Oakland's port was the first on the West Coast to reconfigure for containerized shipping, permanently squelching competition from San Francisco. Now it is further upgrading its facilities to best Los Angeles's and Portland's booming harbors. Nevertheless, frustration with the city's social and economic stagnation continued, leading to cracks in the black power structure well before Jerry Brown's candidacy. A white county-board member, Don Perata, won once-sacrosanct black seats first in the state assembly and then in the senate. An Asian developer launched a credible primary challenge to Mayor Elihu Harris in 1994. In 1996, a white progressive unseated an unresponsive black city councilwoman in West Oakland, the very heart of the black East Bay, to join a multi-ethnic council where blacks no longer hold the majority.

Most important, Oakland began sprouting a few highly articulate black critics of the status quo, led above all by Shannon Reeves, the dynamic young president of the local NAACP (see box, below). In a typical sally, Reeves charged in 1997 that the school board was "absolutely riddled with nepotism, cronyism, and favoritism. The district spends $100,000 on a new logo, because they worry that the old one looks like broccoli. But they don't worry about whether kids can spell broccoli." Reeves's refusal to hold his fire against government incompetence even when black politicians face white challengers has left many an incumbent fuming.

But nothing shattered the old alliances more than Brown's run for the mayoralty. Gus Newport, Berkeley's radical black mayor from 1979 to 1986 and an East Bay patriarch, came out in support of Brown early on. "All of the black regulars had been in elected positions for ten to twenty years," he explained in an interview. "They fell into the same culture; they didn't know where to go to get professionals to crunch numbers. Oakland needed a severe leadership change," Newport concluded.

The old guard tried to concentrate its forces against Brown by persuading some of the many black mayoral contenders to drop out. None did, and Brown swept into office with more black votes than all the other candidates combined.

To Brown's good fortune, he found waiting for him in City Hall a new-generation black official,



Oakland NAACP president Shannon Reeves

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BROWN BROTHERS

The City Beautiful movement inspired Oakland's City Hall, the nation's first municipal skyscraper.

City Manager Robert Bobb, who is too busy cleaning up Oakland to worry about racial correctness. If Oakland does revive, it will be as much due to Bobb's management as to Jerry Brown's high-profile mayoralty.

Hired by the Council in 1997, Bobb roared into town from Richmond, Virginia, like a hurricane, vowing to drive criminals and inefficient bureaucrats out of town and to beautify the city. Tall and strongly built, with a taste for bright suspenders, flared pocket handkerchiefs, and well-tailored suits, the deceptively soft-spoken city manager immediately began an urban cleanliness program that could serve other cities as a model. At his urging, the Council passed a tough blight ordinance that heavily fines businesses for broken windows and graffiti, and homeowners for couches dumped or laundry hung in their front yards. Trash detectives track down illegal dumpers and take them to court. Dilapidated houses now sport huge signs naming their often-absentee owners as public nuisances, and Bobb has demolished well over a hundred infamous properties that were blighting neighborhoods. Bobb wants to make all city employees ride along with street-sweeping crews to "start taking ownership for grime prevention," as his website announces. "I'm trying to instill a sense of pride," he explains in his large airy office overlooking City Hall Plaza. "In community meetings, I ask people who's been to Disneyland, and whether they put their hamburger wrappers on the street there. 'If you litter,' I tell them, 'it says it's okay to commit crime.'"

At the same time, Bobb turned to cleaning out the city workforce's deadwood. "We had assistants with an assistant," he recalls. He began by firing two black female department heads, igniting a firestorm among the black establishment that led to a City Council investigation—off limits to the public, for fear of publicizing the actual overrepresentation of blacks in managerial positions, according to a City Hall gadfly.

When Brown took office in January 1999, the housecleaning accelerated, for Brown shares Bobb's insistence on performance. "You have to be able to produce; this is what the world is about," Brown maintains. "That's what people in Oakland wanted." Bobb demoted four of 10 department heads, 60 employees received "performance deficiency notices," and the rest of the city's 4,800 workers got warnings that unless their performance improved and they could demonstrate a contribution to Mayor Brown's blueprint for the city, they would be fired. The head of the municipal union cried that Bobb was creating a "climate of fear"; nonunionized city workers rushed to unionize.

The climax came when Brown and Bobb took on the city's first black police chief, Joseph Samuels. The mayor and the manager saw Oakland's reputation as a high-crime city as its biggest bar to renewal, and though crime had been falling at the national average, that wasn't good enough for them. The two flew east to study New York's

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innovative crime-fighting techniques and came back convinced that Oakland needed an explicit crime-reduction target and a plan for reaching it. "I kept waiting for the police chief to tell me his goal," Brown explains. "He never did, so I got myself a new police chief."

Blacks and white liberals throughout the city saw the firing of Samuels as an act of profound disrespect. A group of the city's black elite stormed City Hall, threatening civil disobedience and warning that the Black Panthers would return if Bobb and Brown instituted "Giuliani-style policing." The mayor and the city manager didn't flinch. "It was an intense evening, an interesting evening," Bobb now chuckles when asked about the confrontation. But he and Brown don't care whether the heads of city departments are popular, he says. "Rather, can they convince me that they are in touch with the nuts and bolts of their operation, and have a strategic vision?" The new top cop, a respected young black department veteran named Richard Word, has signed on to Brown's annual 20 percent crime-reduction goal, which he intends to meet by questioning criminals about other crimes they know of, finding the city's 750 lost parolees, serving 1,500 arrest warrants, and prosecuting gun violations in federal court.

Last November, five months after the mayoral election, a Brown-initiated ballot measure to replace Oakland's weak mayor–strong city manager form of government with its opposite passed by a whopping three-fourths majority—a sign of how high Oaklanders' hopes are for Brown. Though the measure transferred much of Bobb's power to Brown, the manager shows no sign of chagrin at his redefined role, nor does Brown evidence any desire to limit Bobb's de facto authority. The "Killer Bs," as the two are known, have been an unbeatable team, loping around the city, browbeating it into change.

Their toughest challenge will be the schools—the greatest casualty of Oakland's decades of race politics. Even today, though Oakland students have among California's lowest test scores, and an overwhelming majority of tenth-graders can't read at grade level, the school board and the teachers waste time in race baiting and radicalism. Last January, for instance, because "prison and the death penalty are poignantly real issues" for minority students,

UNDERWOOD PHOTO ARCHIVES

Oakland boasts many Art-Deco jewels, including the extravagant Paramount Theater.

the teachers' union voted to hold a "teach-in" on cop killer Mumia Abu Jamal—on the same day as the funeral of a policeman murdered in cold blood by a young sniper.

This, after all, is the school system that in 1996 brought us "Ebonics," the school board–approved plan to "instruct African-American students in their primary language"—black English. No one talks about this civic embarrassment in Oakland these days, yet two members of the task force that proposed Ebonics have jobs in curriculum development today, and the city's teacher training now includes elements of the original plan, says former school-board member and Ebonics proponent

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Sylvester Hodges. Add to this foolishness a bureaucracy so incompetent that it loses applications from prospective teachers for months or years at a time, despite a claimed teacher-shortage emergency, and you have a recipe for disaster.

Though the mayor has no direct control over education, Brown has tried to shame the system into reform. "It's shocking beyond words," he said of the bureaucracy's attempts to defend its performance in the face of a 75 percent citywide reading-deficiency rate. "There is a pervasive denial of what is happening." When Superintendent Carole Quan pointed out that test scores had inched up recently, he mocked her "pathetically low expectations"—and then focused his guns on her. Though Asian, she was a 30-year insider and an ally of the black contingent in the school administration. No matter; in Brown's view, she was an obstacle to change. State Senator Don Perata backed up Brown's campaign against Quan with a bill promising a state takeover of the schools if the board did not fire her.

"Though the mayor has no direct control over education, Brown has tried to shame the system into reform."

The counterattack followed the usual lines, with a member of the still-extant Ebonics task force charging that the fight over the schools was about "white and Jewish control." But Brown refused to get drawn into the race baiting. "Remember, this is a very powerful group of people who don't want to change, and they are fighting like mad to keep the status quo," he coolly responded. Two months after Police Chief Samuels departed, Superintendent Quan tearfully resigned. The Killer Bs named Bobb's deputy assistant as acting superintendent. Determined to force deeper change, Brown appointed a commission to develop alternative means of selecting the school board, including mayoral appointment.

Brown is also urging parents to form charter schools as part of his blueprint for Oakland; when the teachers' unions got a bill through the state assembly requiring such schools to unionize, the mayor used his hefty political clout to kill it. Charters appeal to Brown's populist, anti-authoritarian side; in an interview, he mischievously proposes as one possible model A. S. Neill's rule-less Summerhill, where class attendance was optional and the exit-exam failure rate by the school's untutored Noble Savages astronomical. Brown endorses the Romantic critique of traditional schooling as an assault on children's natural wisdom and creativity, which makes him unlikely to oppose the radical teaching theories that, no less than the stifling bureaucracy, are holding today's students back. Yet with his usual heterogeneity, he readily acknowledges that the Catholic education he received as a child and continued in a Jesuit seminary was pretty darn good training as well.

Expect Brown's realism to triumph yet again over his ideological commitments. Brown understands the all-importance of basic skills and has proposed a very un-Summerhill-like military academy and elite selective high school. His preference for private initiative over big government and his unflagging emphasis on results just might galvanize Oakland's schools out of their stupendous incompetence.

The Brown and Bobb era might turn out to be Oakland's fourth seismic shift, as momentous for the city as the Gold Rush, World War II, and the black revolution of the 1960s and 1970s. The March fury, when Brown and Bobb were facing down Police Chief Samuels and Superintendent Quan, has faded, and the relaxed race relations already visible on the street finally may be reaching the black political class, as well. Some of Brown's most strident black critics now concede that he may be just the man to shake up the city.

If he succeeds, it will be not just because of his star power. It will also be because, for all his far-left pronouncements, he understands cities' basic needs for order and private development, and he is willing to beat down all opposition to achieve them. ■

Oakland prospered for 100 years.

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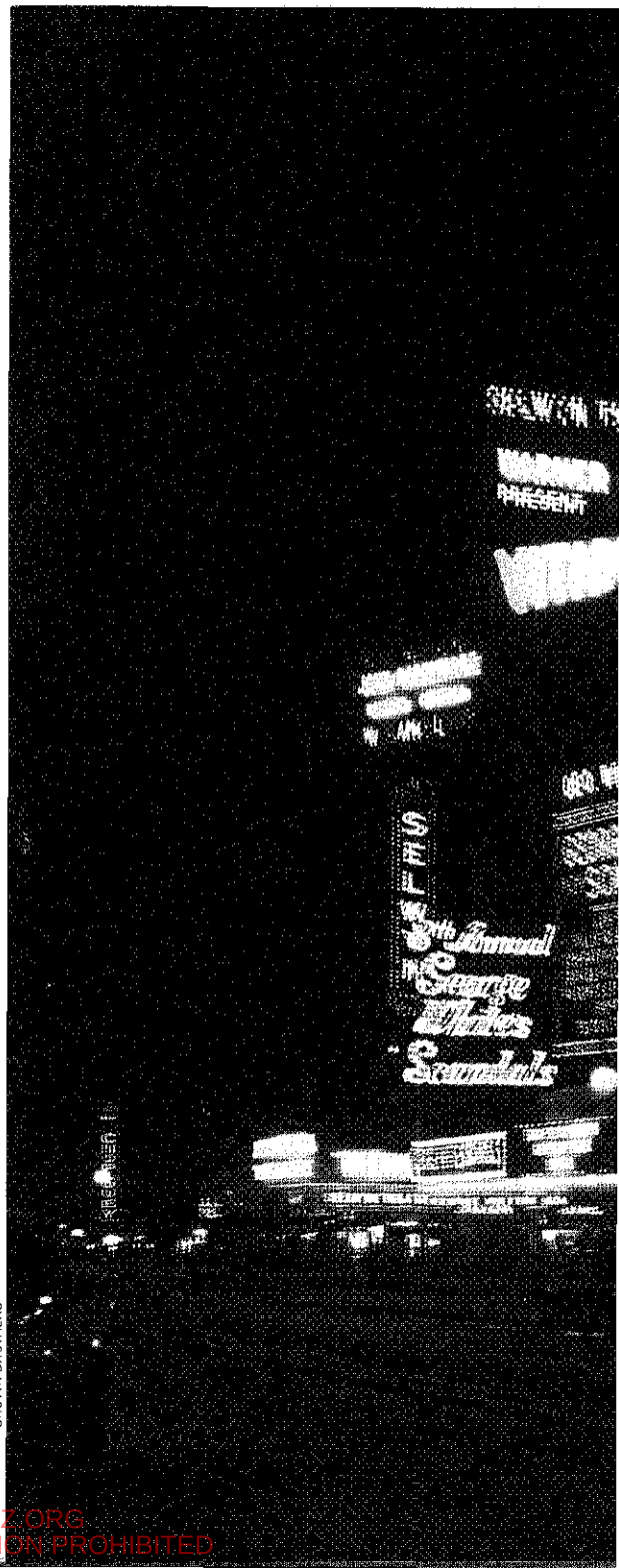
The Unexpected Lessons of Times Square's Comeback

William J. Stern

Almost everybody rightly celebrates Times Square's revival as one of New York City's greatest recent success stories. Just a short while ago it was sleazy, blighted, and crime-ridden; today it is all but crime free, it has driven out the prostitutes and pornographers who made it so seedy, it bustles with tourists by day and night, and world-spanning corporations such as AMC, Disney, and Viacom prosper within it. But if everyone knows about Times Square's remarkable comeback, few understand what made it happen.

I thought I knew what the ingredients for success were back in 1984, when I worked for Governor Mario Cuomo as head of the Urban Development Corporation (UDC). On my watch, the UDC put in place a gigantic project, first conceived in 1981, to revitalize Times Square, then at its absolute nadir. The $2.6 billion 42nd Street Redevelopment Plan would extend tax-abatement deals to developers and direct them to transform Times Square by building grand office towers, a huge merchandise market, and a fancy hotel; by restoring historic theaters; and by revamping the dingy 42nd Street subway station. Also sponsoring the plan were Mayor Ed Koch and—unofficially but prominently—the *New York Times*, whose headquarters gave the square its name in 1905.

But almost nothing we planned ever came to fruition. Instead, Times Square succeeded for reasons that had nothing to do with our building schemes and everything to do with government policy that, by fighting crime, cracking down on the sex industry, and cutting taxes—albeit only selectively—at last allowed the market to do its work and bring the area back to life. The lesson: there's a right way and a wrong way for government to pursue economic development. It's a lesson that



BROWN BROTHERS

Forty-Second Street's twenties heyday

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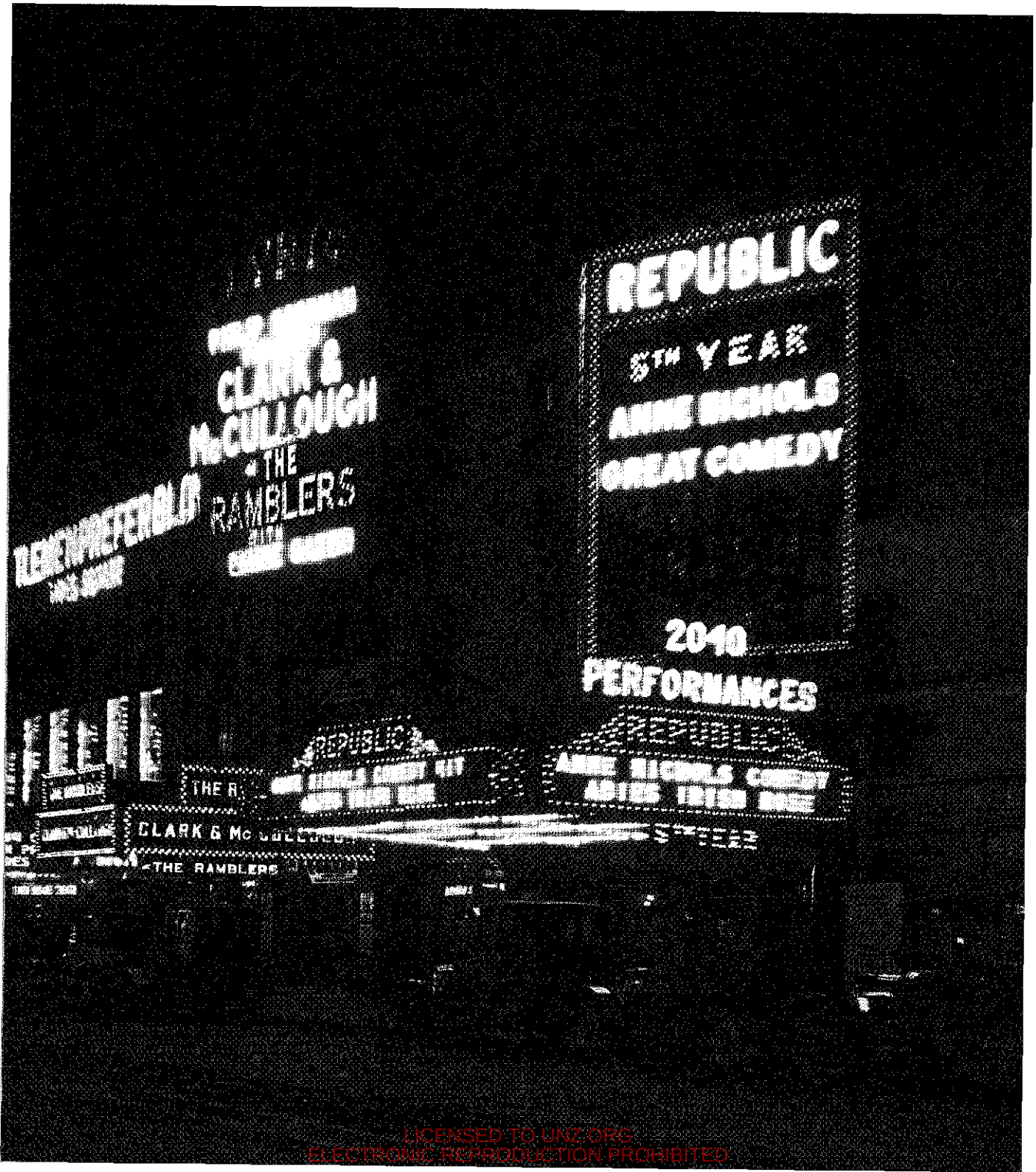
There's a right way and a wrong way for government to foster *economic development.*



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needs spelling out, since it's crucial to future economic recovery in New York.

It's important to recall accurately what Times Square was like when we officially launched our plan in November 1984, since today you still find a few people perversely nostalgic for it. Samuel R. Delany's new book, *Times Square Red, Times Square Blue*, is a case in point: it is a lament for defunct Times Square sex clubs like the Capri, the Eros, and the Venus. These risqué establishments, Delany argues, provided a harmless, playful way to subvert stuffy bourgeois morality.

But the Times Square Delany mourns was anything but playful. The area began going to seed during the late fifties after the sex industry—waved on by ill-advised federal and state court decisions that extended First Amendment protections to pornography—edged out and took over once-lustrous theaters that had been economically struggling since the Depression. The decline was rapid thereafter: the porn establishments attracted to Times Square an unsavory and increasingly criminal crowd. Already by 1960, the *New York Times* was calling the heart of Times Square—42nd Street between Seventh and Eighth—the "worst block in the city." By the eighties, things got worse still, with an amazing 2,300 crimes on the block in 1984 alone, 20 percent of them serious felonies such as murder or rape. Dispirited police, at the time more concerned with avoiding scandals than fighting crime—especially low-level crime like the prostitution that was swamping Times Square—would investigate the serious felonies but mostly stood by and watched as disorder grew (see "What We've Learned About Policing," Spring 1999).

The lawless climate had devastating economic consequences. In 1984, the entire 13-acre area that we sought to revitalize employed only 3,000 people in legitimate businesses and paid the city only $6 million in property taxes—less than what a medium-size office building typically produced in tax revenue.

No legitimate business—indeed, scarcely a normal person—would willingly visit so blighted and threatening an area. As head of the UDC during the mid-eighties, I would walk through Times Square at night, a state trooper by my side, and feel revulsion. We'd hurry past prostitute-filled single-room-occupancy hotels and massage parlors, greasy spoons and pornographic bookstores; past X-rated movie houses and peep shows and a pathetic assortment of junkies and pushers and johns and hookers and pimps—the whole panorama of big-city low life. Everywhere I'd look, I'd see—except for female prostitutes—only men. A UDC study later verified my impression empirically: 90 percent of those who walked Times Square's streets were adult males. Times Square was haunted with them, like a circle of lost souls in Dante.

All of us involved in the redevelopment project were New Yorkers, born and bred. We remembered a better Times Square. In the early fifties, Times Square had been a childhood delight for me. On Saturday, my father and I would bus down from Harlem to see a movie, often a Roy Rogers or Gene Autry cowboy picture. Then we'd get something to eat at Nedick's and afterward just stroll around, gazing up at the giant signs that adorned Times Square's buildings, then as now. Mario Cuomo and Ed Koch had similar happy memories. The mayor was old enough even to have heard firsthand accounts of Times Square's heyday during the 1920s, when 13 theaters studded 42nd Street between Seventh and Eighth and lit up in neon the legendary "Great White Way," as theatergoers crowded into the latest creations of impresario George M. Cohan or of musicians such as George and Ira Gershwin. The regret we felt over the passing of this glamorous world of our youth gave the project a powerful emotional boost.

Our plan was Neronian in scale. Its biggest component was to be Times Square Center: four giant office towers, containing 4.1 million square feet of floor space in all, looming over Times Square's southern border. Offered a $240 million tax abatement, George Klein's Park Tower Realty would develop the site. Perennial modernist Philip Johnson, together with fellow architect John Burgee, would design the buildings. In Johnson's controversial design, four-story red-granite bases would support glass towers topped with iron-crested glass mansard roofs. Each tower would light up at night to dispel the shadow world below; at street level, a

Long Acre Square became Times Square in 1905.

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CORBIS-BETTMAN/UPI

Times Square's 30-year reign of sleaze drove away legitimate business.

pedestrian thoroughfare would connect the four towers and establish a new hub for subway travel.

Johnson's gargantuan buildings weren't the only part of the redevelopment project conceived on a grand scale. We also called for a 2.4 million-square-foot computer and garment wholesale mart between 40th Street and 42nd Street on the east side of Eighth Avenue, and a 550-room luxury hotel with additional office and retail space on West 42nd Street at Eighth Avenue. Nine historic theaters, including the legendary New Victory and the New Amsterdam, would get a $9 million spruce-up and reopen as nonprofit cultural centers featuring legitimate entertainment. The final component was a major $100 million makeover of the 42nd Street subway station, which would be outfitted with a computerized information center, scores of shops, and six new entrances, among other improvements. As part of the overall deal, Park Tower Realty would pick up most of the tab for the nonprofit theaters and the subway. Everything had to go forward at the same time, we felt, since the sheer momentum of the development would push out the sleaze for good.

Unveiling the plan early in 1984, we felt enormous pride. After all, how many people have the opportunity to leave such a deep and positive mark on the history—and in the landscape—of a world city? But, though I can't speak for the others, I felt doubt, too. Perhaps the Pharaohs could contemplate such a mega-project with equanimity, but could a group of New York City kids really pull it off? But I suppressed my doubt: I had informed Governor

Cuomo that I would soon step down as head of the UDC—I had grown disgusted with New York's pervasive political corruption and would leave public service for good in 1985—and I wanted to feel as if I had accomplished something big and worthwhile in government before I left. This project would be it.

On November 8, 1984, the now-defunct New York City Board of Estimate approved the project, removing the last political hurdle to its implementation.

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We all exhaled in relief, since reaching that point hadn't been easy. From the moment state and city officials first announced the redevelopment scheme in February 1981, it faced opposition from activists, who worried that it would displace lower-income people from their homes, and from the cultural left, who defended Times Square's sex businesses as constitutionally protected speech—speech that had the added virtue of subverting bourgeois proprieties. And after Johnson and Burgee's blueprint for the towers went public, civic groups lobbied for a less obtrusive design that took more account of smaller surrounding buildings. But none of these forces mustered enough support to defeat the project.

An internal disagreement had also broken out over who would get the potentially lucrative nod to develop the mart. The dispute was really part of a larger battle over who would predominantly shape the new Times Square. The city and the *New York Times* favored a team of Trammel Crow (a Texas-based developer) and George Klein; the state, thinking that Klein already had enough on his hands,

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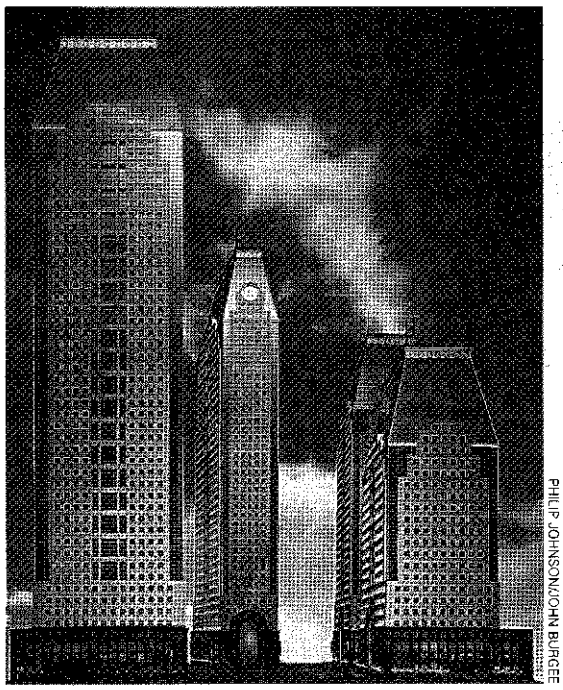
preferred Paul Milstein, a major New York developer. An artful political compromise between Mayor Koch and Governor Cuomo—two politicians who harbored deep mutual suspicion from past political campaigns against each other—eventually settled on a consortium that brought together Klein and Milstein, though neither the mayor nor the governor ever questioned the idea that government should be picking developers in the first place. By the autumn of 1984, everything was set to go.

Yet after the Board of Estimate vote, the plan withered. The four new towers never went up, the wholesale mart never opened, the hotel never appeared, the subway renovations never happened, and the nonprofit theaters never materialized. What happened?



PHILIP JOHNSON/JOHN BURGEE

Philip Johnson and John Burgee's Neronian Times Square never got off the drawing board.

The commercial real estate market, perhaps already beginning to peak in 1984, tanked with the stock-market crash of 1987, and Klein hesitated to start work on what were now unlettable office towers. Already in 1986, the Dewey, Ballantine law firm, which was to have been a major tenant in Times Square Center, had withdrawn. In 1989, Chemical Bank, another anchor tenant, dropped out. By 1992, Governor Cuomo was letting the developers off the hook: "It doesn't make sense to go forward immediately with the building of the office towers—there's no market for them," the governor observed. "To hold these people to the contract is to ask them to commit an act of economic self-mutilation," he added. Later, after more than a decade on the project, Klein would leave, having built or renovated nothing.

But while the original building project remained stalled, something surprising happened: Times Square started to revive. First, it was a trickle of activity. In 1990, Viacom, the huge entertainment firm that owns Nickelodeon and MTV, signed a lease at 1515 Broadway. In 1992, the publishing giant Bertelsmann AG bought 1540 Broadway from Citicorp. In 1993, the Morgan Stanley investment firm purchased 1585 Broadway from Salomon Equities.

Then the trickle became a flood. On the last day of the Dinkins administration in 1993, the Walt Disney Company signed a memo of understanding with the city to refurbish and reopen the New Amsterdam Theater, though it didn't finalize the deal—which included a $25 million low-interest government loan—until 1995. In 1995, AMC, the entertainment conglomerate, agreed to move to the neighborhood; Madame Tussaud's Wax Museum decided to open a Times Square branch to join its famous London counterpart; the Tishman Urban Development Corporation contracted to build a big hotel; and the Durst Organization announced that it would erect a 1.5 million-square-foot office building, taking over one-quarter of the site originally intended for Times Square Center. By the summer of that eventful year, the left-wing urbanist Marshall Berman was complaining that Times Square had "become the focus of some of the most ambitious commercial development New York has ever seen"—and it hasn't stopped since.

The ever-accelerating development has brought back the whole neighborhood. Disney refurbished the New Amsterdam Theater, and it reopened with a wildly successful run of *The Lion King*. The 100-year-old New Victory Theater, which showed porn films in the eighties, reopened—beautifully restored to its original glory—as a venue for

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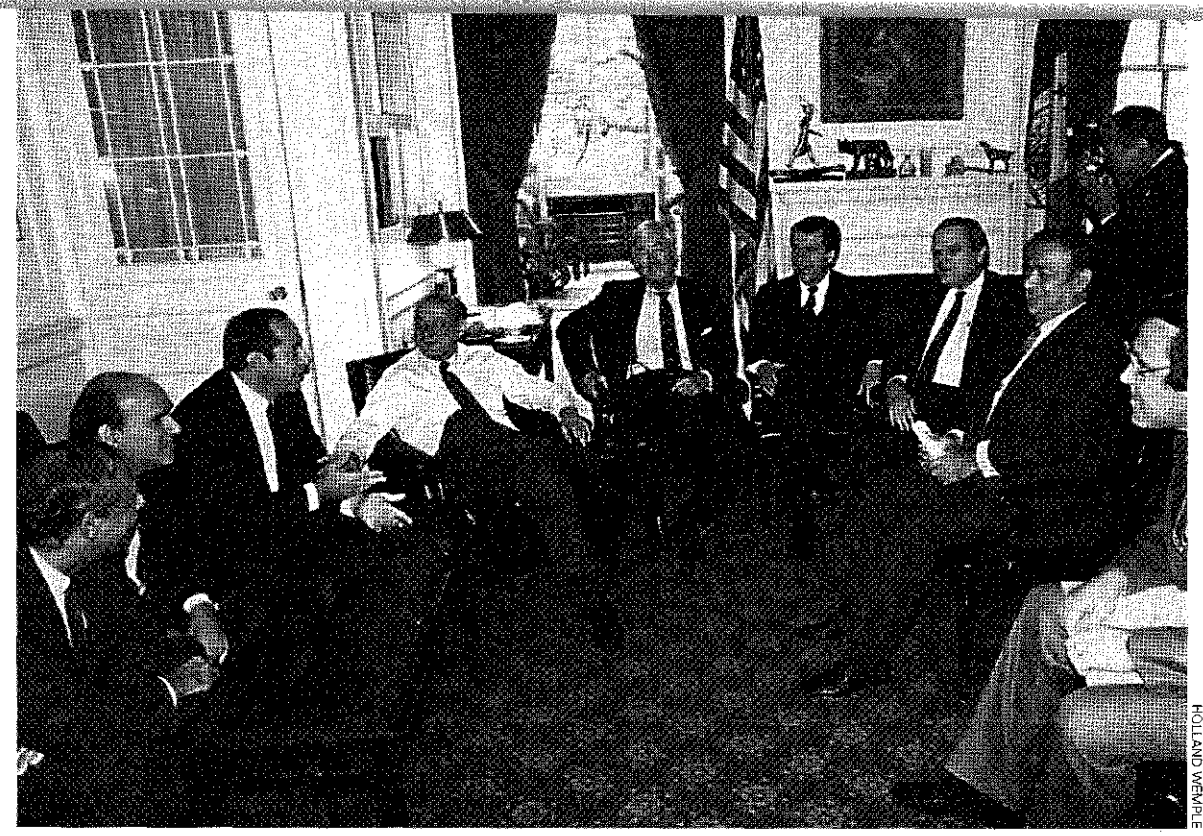

HOLLAND WEMPLE

Waiting for the Board of Estimate to okay the plan were (l. to r.) Planning Commisioner Herb Sturz, Manhattan Borough President Harrison J. Goldin, Governor Cuomo, Mayor Koch, Senator Daniel Patrick Moynihan, author William J. Stern, Queens Borough head Donald Manes, and Bronx chief Stanley Simon.

children's theater. And new restaurants like Caroline's Comedy Nation and the upscale Russian Firebird bustled from the moment they opened. By 1997, Broadway was having its best year in nearly two decades, as 10.6 million theater lovers flocked to 38 different shows.

Times Square was bursting with investment and renewal not because of the building project, since it had built nothing, nor even because the nation had entered into its present economic boom—42nd Street kept rotting away through the economic upswings of the 1960s and 1980s—but because government was at last starting to behave the way government should behave if it wants to nourish prosperity. Government began to do three things—two of them with the plan's help, though the city could have done them more effectively on its own—that ignited Times Square's revitalization: it started to fight crime, it kicked out the sex industry, and it lowered taxes selectively for big businesses willing to locate in the area. And as Times Square became safer and less sleazy, its natural advantages became strikingly apparent: at the center of the city's subway system, home to the Port Authority Bus Terminal, near Penn Station and Grand Central Station, it boasts a transportation infrastructure unmatched in the United States, and it has always been one of New York's cultural landmarks.

Mayor Abe Beame took the first hesitant steps to tame Times Square's disorder in 1977, when he enacted nuisance abatement laws to shut down some of the neighborhood's ubiquitous massage parlors. But the first really effective measures came courtesy of a now-retired deputy inspector named Richard Mayronne, assigned to the Midtown South precinct that includes Times Square during the mid-eighties. As former NYPD deputy chief John Timoney (now Philadelphia's police commissioner) remembers him, Mayronne was "a big tough guy, a cop's cop, and easily the most imposing police commander I've ever met." He was also something more, Timoney stresses: an innovator in police tactics. Mayronne covered his office with neighborhood maps, and used pins to chart crime patterns in order to employ his forces efficiently—creating a crude, pre-electronic version of Compstat, the computerized crime-tracking system that has since revolutionized New York City policing under Mayor Rudolph Giuliani.

Even more important, Timoney recounts, Mayronne instructed his men to make arrests for low-level crimes such as prostitution and minor drug transactions that, when left unpunished, create

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a climate of lawlessness that encourages criminals to act on their darker impulses, leading to ever more serious crime. Such quality-of-life policing, as most observers now recognize, is a major reason for New York's sharply lower crime rates, and the absence of it had contributed to Times Square's decay. The new techniques paid off: as Mayronne's Midtown South successors continued to monitor crime patterns and keep up the pressure on quality-of-life infractions, crime dropped. By the end of 1991, Times Square's crime rate was 12 percent lower than in 1984—nothing like the 68 percent citywide reduction that Giuliani would achieve, but a healthy start nonetheless.

With Giuliani's election as mayor in 1993, the war on crime dramatically intensified. Together with his police commissioner William Bratton, the mayor completely transformed New York City's approach to policing: Compstat soon allowed the NYPD to deploy personnel and resources efficiently, and quality-of-life policing became the norm throughout the city. Thanks to the new techniques—a quantum improvement over Mayronne's early innovations—Times Square's crime rate dropped to an infinitesimal level. Felonies committed on 42nd Street between Seventh and Eighth—the "worst block in the city"—fell from 2,300 in 1984 to a mere 60 in 1995, prompting a city official to enthuse that "crime has reached such a low level on that block that we don't keep statistics anymore." In the entire Midtown South precinct, felony complaints fell 50 percent, from 20,000 in 1992 to 10,000 in 1997. Giuliani and Bratton also sent a powerful message through their public rhetoric that the city would no longer tolerate crime and disorder, heightening New Yorkers' and tourists' expectations about safety and soothing the jangling nerves of the business community.

Encouraged by dwindling crime, tourists began crowding back into Times Square—always potentially one of New York's biggest draws—bringing much needed revenue into the city. Giuliani had grasped the connection between cutting crime and reviving Times Square's tourism even before his mayoralty began. The mayor recently told me about how, during the 1970s, he watched Martin Scorsese's film *Taxi Driver*, which depicted Times Square as a hellish nightmare, and wondered how adversely it might affect tourism. During his 1993 mayoral campaign, Giuliani got a firsthand insight into the answer. Driving down Broadway in his campaign car, he saw a tourist frantically chasing a thief who had snatched his wife's purse, bruising her hand in the process. Giuliani, jumping from the car, joined the chase, but only caught up with the tourist, not the purse snatcher. No cops were around, and none arrived until 30 minutes had passed, assuring the crook's clean getaway. Again, Giuliani thought: what would these tourists think about visiting Times Square in the future?

But that was six years ago. Today, reassured investors and tourists no longer have reason to shun the area.

The 42nd Street Redevelopment Plan had nothing to do with this revolution in crime fighting and the safer Times Square it created—the main reason investment again started to flow into the neighborhood, just as it's the main reason investment has started to flow into a markedly safer 125th Street, also the site of an ambitious, but largely irrelevant, government redevelopment plan. But through the state's Urban Development Corporation, the redevelopment plan did play a key role in the second thing government did that helped to revive Times Square: kicking out the sex businesses.

From 1984 on, drawing on the UDC's special powers to condemn for economic blight, the redevelopment project began to shut down Times Square's sex clubs. By 1990, after a hugely expensive six-year condemnation process, the UDC had taken title to two-thirds of the 13-acre project area, sending the sex businesses scuttling to other corners of the city. The ultimate cost reached nearly $300 million, a sum initially advanced by the developers, whom the plan would later reimburse through tax abatements. It proved so expensive because condemnation requires court-determined compensation for the owners of condemned properties and hefty legal fees to fight the protracted lawsuits when the owners resisted being kicked out.

Instead of condemning, why didn't the city just zone out the sex businesses? After all, throughout the nineteenth century—and indeed, for most of the twentieth—cities freely applied tough zoning regulations to the sex industry, viewing it, apart from any moral objection, as poisonous to other economic activity. In New York during the 1930s, Mayor

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Fiorello La Guardia, whom no one would accuse of being an early member of the religious right, waged war on the city's burlesque houses—the sex clubs of that era—because he knew that they drew in crime and drove away legitimate commerce.

But that was well before the late 1950s, when activist judges, in effect defining away the concept of obscenity, extended First Amendment protection to strip clubs and pornography (see "Free to Strip?" Spring 1999). To apply zoning restrictions to sex businesses was henceforth different from applying them to, say, a slaughterhouse or a chemical plant, since now to do so supposedly violated the First Amendment. It also would invariably incur the wrath of the cultural left, loudly decrying censorship and the imposition of puritan values. The redevelopment plan allowed the city and the state to escape these invented First Amendment restrictions and deflect the criticisms of the cultural left, accomplishing indirectly what zoning would have done directly and far less expensively. Support for the project's condemnation efforts also allowed the *New York Times*'s editorial page to have it both ways: it denounced on economic grounds the sex businesses defacing its own backyard that it regularly defended elsewhere as constitutionally protected forms of speech. The *Times*'s stance seemed to be: "Yes to sex businesses, but not in our neighborhood."

Yet condemnation might not have been necessary after all. As early as 1976, the Supreme Court started to allow municipalities to subject "adult" businesses to zoning regulations for reasons of "secondary effects" on neighborhoods, with economic blight leading the list—the Fiorello La Guardia argument, we could call it. Looking back, zoning might have proceeded on the same rationale as condemnation and still have passed constitutional muster, though this certainly wasn't the high-priced legal opinion we were getting at the time (or the inclination of the governor, the mayor, or the *Times*, all averse to challenging New York's left-wing judicial culture). Later, in the mid-1990s, Mayor Giuliani did employ the "secondary effects" argument to pass sweeping regulations restricting sex-oriented video stores, X-rated theaters, and topless bars to a few isolated non-residential neighborhoods, where they'd cause the least economic damage. "They hurt the economy of the city; they cost us jobs; they cost us money," Giuliani bluntly explained.

The century-old New Victory Theater, now refurbished, showed porn films in the eighties.

But for Times Square, this was just sweeping up: thanks to the plan, most of the sex industry had already moved on by 1990, when the first signs of the area's economic rebirth became evident. The city had finally liberated Times Square from sleaze, though at a great, and probably unnecessary, expense. With the sex industry gone, Times Square could at last begin to develop its economic potential.

The redevelopment plan provided a second major spark to revitalizing Times Square: it reduced taxes for businesses willing to locate in the neighborhood. It did this, however, not by giving the city an overall tax cut, but instead by awarding special tax abatements, low-interest loans, and other subsidies to well-connected firms. From the original $240 mil-

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Forty-Second Street reborn, 1997

lion tax abatement given to George Klein to the $40 million abatement given to Morgan Stanley in 1992 to the $25 million low-interest loan given to Disney in 1994 to the $20 million incentive package offered to Ernst & Young just this year—everybody in the new Times Square has some kind of deal from the plan. The results show the power of supply-side tax cuts: more than $2.5 billion in private-sector investment has poured into Times Square since 1995.

Any sensible economist would say: Why not cut taxes citywide? Giuliani, a defender of tax abatements, has a tough answer. There's no political constituency in New York for it, he claims, and polls show that he's right (though a mayor passionate about tax cuts could use his bully pulpit to begin to create a constituency for them). So if citywide tax cuts remain politically unfeasible, the mayor argues, the only thing the city can do to boost investment is to cut taxes selectively. The trouble with this approach is that the considerable political clout a firm needs to land a choice tax deal from the city means that it is invariably the older, already established, company, not the brash newcomer, that gets a break.

This favoring of the old and the well-connected over the new and the as yet unknown—it's really a form of state-directed capitalism, where government substitutes its bureaucratic thinking for the market's invisible hand—means that New York squanders enormous economic possibilities. Imagine a 29-year-old college dropout named Bill Gates coming to us in 1984 and asking for a tax abatement to build a 42nd Street office for his new computer-software company. "What's an operating system, and what's a Gates?" I can hear Koch sneering. We would have laughed Gates out the door. But for the last quarter-century, it has been the bold outsiders like Gates, usually bringing some undreamed-of service or technology to the market, who have fueled real economic growth and created most of the country's 70 million new jobs.

As great as the new Times Square is, what might it look like today if New York City's taxes weren't so anti-competitive and instead encouraged up-and-coming firms to locate in Gotham? If then-fledgling enterprises like Microsoft, Cisco, or Oracle, drawn in by low taxes, dropping crime rates, and a newly non-sleazy atmosphere, had moved into Times Square during the eighties and nineties, these upstarts would have created even more jobs and produced even more tax revenue than did the well-connected businesses that now reside in the neighborhood, lured in by politically negotiated tax abatements and sweetheart deals.

LISA QUINONES/BLACK STAR

Giuliani asserts that "it will be perhaps 20 years" before Gotham's tax structure is competitively on a par with more business-friendly cities. But perhaps the mayor is too pessimistic. Even some of his detractors admit that he helped transform New Yorkers' attitudes on crime and proved that the city wasn't ungovernable. Perhaps some future mayor

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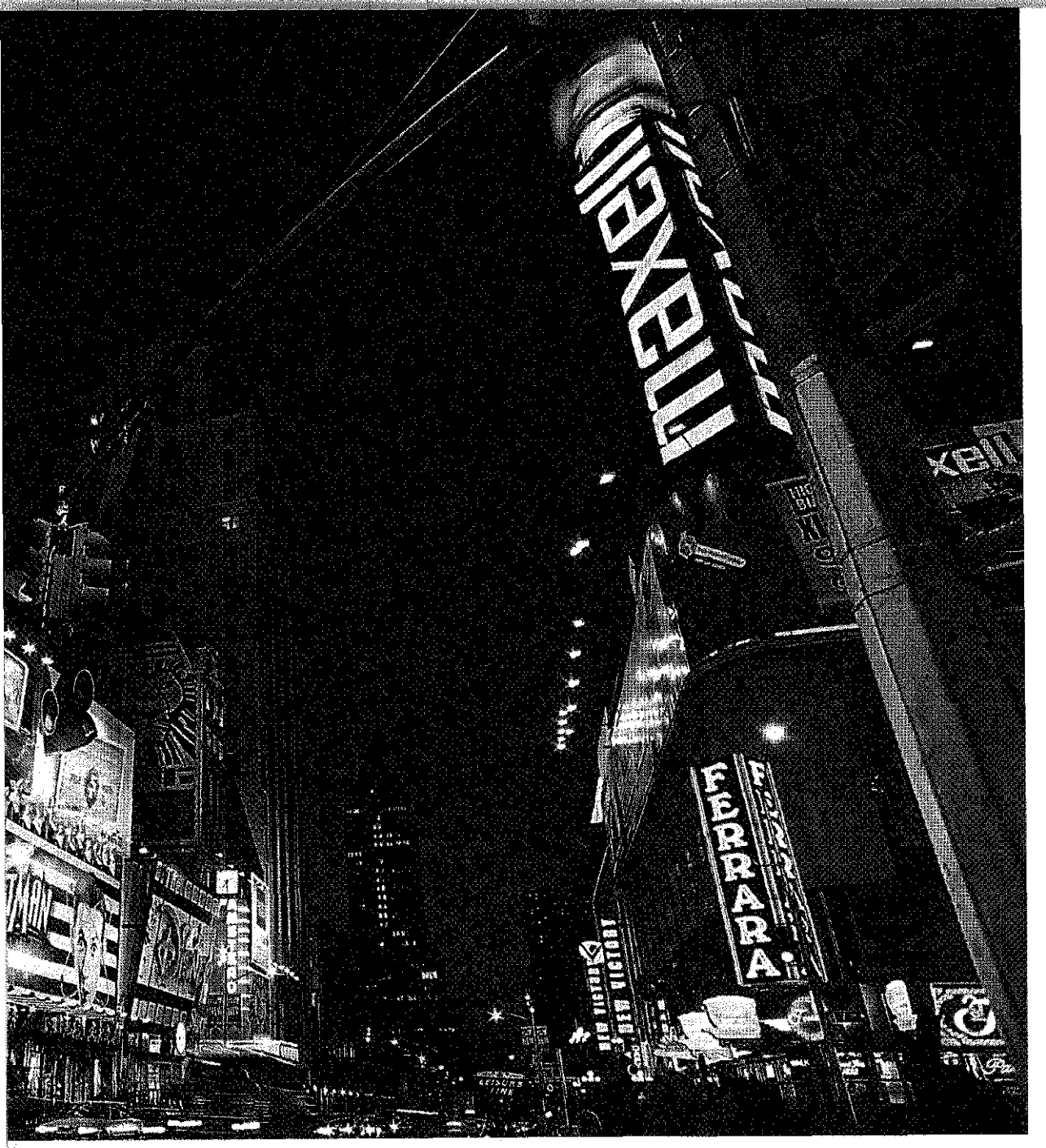

might build a political constituency to enact major, across-the-board tax cuts. He could use this argument: the *New York Times*, the state, and the city favored tax cuts for Times Square. Those tax cuts worked. Why not, then, try them for the entire city?

So what did the 42nd Street Development Plan really achieve? The four towers will eventually go up, but they won't look anything like those we proposed in the early eighties, and different developers will build them. No mart is on the horizon. The theaters have been given a new birth, but their parent is the market, not the government plan. The 42nd Street subway is still grungy.

The plan, in retrospect, seems like a giant Rube Goldberg device. It let public officials lower taxes without challenging the orthodoxies of New York's welfare state, and it let them drive out sex businesses without conflicting with court decisions on obscenity or unduly angering the cultural left. But Times Square's revitalization cost much more than it needed to—much more than if New York had simply abandoned the redevelopment project and pursued effective policing, smart zoning, and aggressive tax-cutting from the start. ■

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Reinventing Mental Health Care

E. Fuller Torrey

Famously—and for the flimsiest of reasons, ranging from a governmental desire to save money to the once-fashionable belief that mental illness is only a different but perfectly valid form of consciousness—the nation largely dismantled its mental health care system over the last 40 years. Less well known, though, is that the outlines of a reasonable new mental health system have quietly begun to take shape. So far, it is a tentative, piecemeal development; and federal policy, instead of helping it cohere into a rational, comprehensive whole, is stymieing and retarding it at every point. For that reason, it seems important to spell out just what the emerging new U.S. mental health care system looks like—and how policymakers can help ensure that what finally takes form will be as rational, humane, and effective as we can make it.

The first key element of the new system, as *City Journal* readers well know, is a legal instrument to require people with serious mental illnesses to take the medication that in most cases will control their symptoms and allow them to live better lives (see "We've Tried Mandatory Treatment—and It Works," Summer 1999). Half of all individuals with diagnoses of schizophrenia and manic-depressive illness, the two diseases that constitute the vast majority of severe mental illness, have limited awareness of their condition, because it has affected that part of the brain used for self-awareness. Such individuals do not voluntarily seek treatment or accept medication, since they think that nothing is wrong with them. But even among some of the mentally ill who *are* aware of their illness, the unpleasant side effects of psychotropic drugs—ranging from tremors or sedation to sexual dysfunction to substantial weight gain—can discourage them from taking their prescribed medicine.

On August 5, New York became the 41st state to pass a mandatory treatment law, requiring persons with these illnesses to take their medication or be hospitalized until they agree to do so. Mandatory treatment laws increase the medication compliance of mentally ill people threefold, reduce their hospital re-admissions from 80 percent to less than 50 percent, and cut down on violent episodes. No longer will patients have to do grievous harm to themselves or others before being medicated, and the 1,000 or so homicides committed each year by people with serious mental illnesses—cases like the murder of Kendra Webdale, pushed under a New York subway train by Andrew Goldstein—should begin to decline.

The outlines of a good new system are already emerging. Here's how the feds can make it work.

But mandatory treatment solves only part of the mental health care problem. Even when they take their medication, severely mentally ill individuals living in the community need help. They need coordinated outpatient services, since navigating the byzantine world of helping agencies is difficult enough for someone whose brain works normally; for someone with schizophrenia or manic-depressive illness, it is impossible. They need social and vocational assistance, too, since many of them suffer from isolation and loneliness and, because of their condition, haven't attained the educational and work experience that might help them become more independent. Finally, they need a specialized kind of housing, tied to medication maintenance and to other coordinated support services. The idea that individuals with severe mental illnesses can live anywhere and just need subsidization of their housing costs is a myth that has led to many disasters.

At present, however, some 200,000 mentally ill people are homeless, and the only housing we provide for other mentally ill people is jail or prison. A July 1999 study by the Department of Justice reported that 16 percent of the inmates in state prisons and local jails—275,900 individuals—are mentally ill. The mentally ill inmates are also more likely to be

Photographs by Steffen Thalemann

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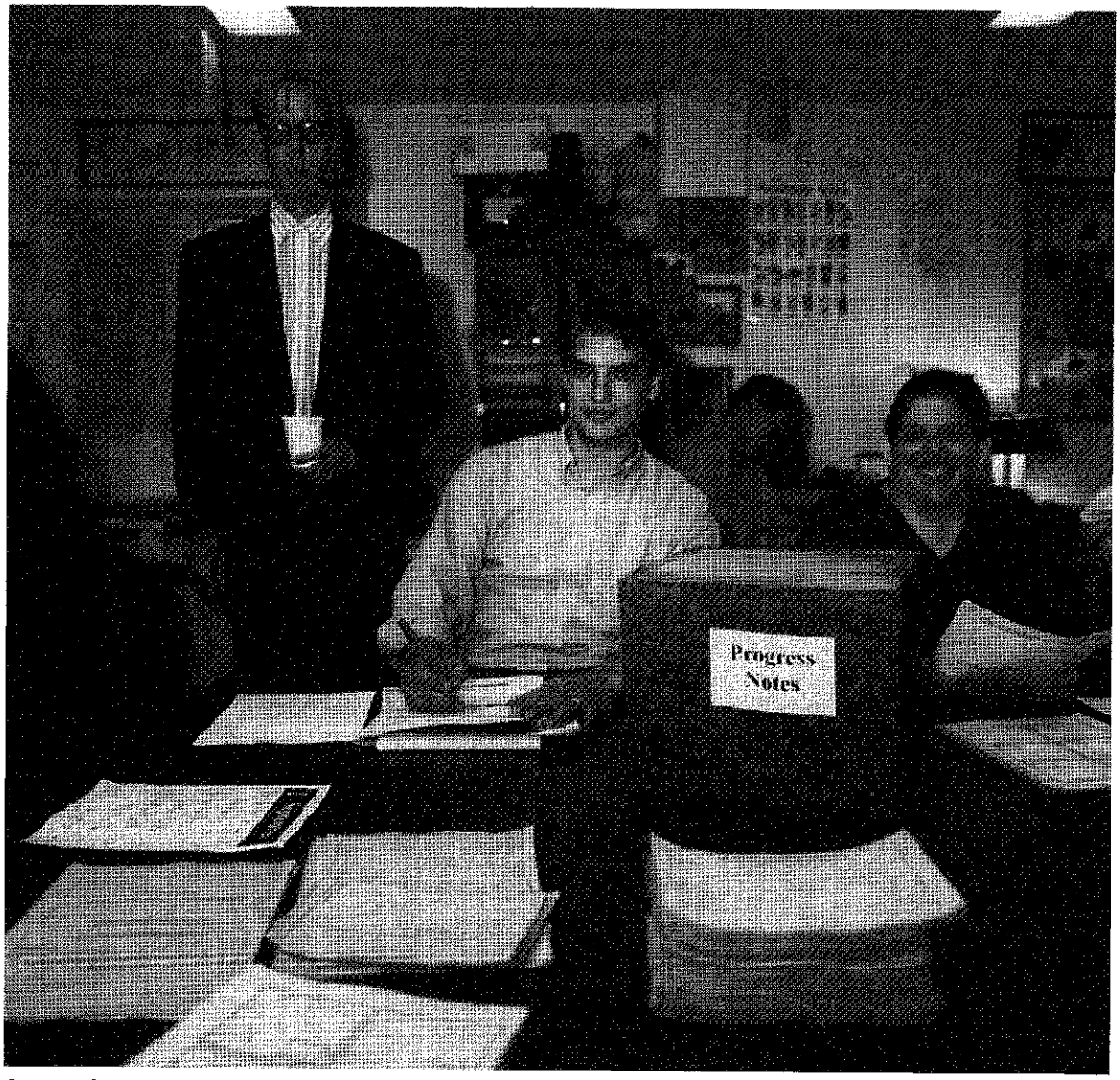

Across the nation, splendid institutions like New York's Fountain House (above) help the mentally ill . . .

in prison for a violent offense (53 percent) than are other inmates (46 percent). The Los Angeles County Jail, with 3,400 mentally ill prisoners, is *de facto* the largest psychiatric inpatient facility in the United States. New York's Rikers Island jail, with 2,800 mentally ill prisoners, is the second largest, and each prisoner costs taxpayers $175 per day. In many counties throughout the nation, the local jails hold more mentally ill people than do the local psychiatric facilities. Released prisoners, rarely treated, too often alternate between homelessness and incarceration, like Gloria Rogers, a mentally ill Tennessee woman, jailed 114 times in the past four years.

Yet in almost every state, you can find good programs that provide housing and services to perhaps 1 or 2 percent of the people who need such care, and if we could replicate them on a national scale, we'd have a mental health system that works. For coordinated outpatient services, the most effective model is Assertive Community Treatment (ACT) teams, also known as continuous treatment teams. These teams, usually made up of eight to ten professionals and paraprofessionals—including a psychiatrist and psychiatric nurses—and linked to a hospital or a community mental health center, take responsibility for 100 to 120 severely mentally

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ill individuals for up to 24 hours a day, seven days a week, as needed.

Based on a model first developed in Wisconsin in the early 1970s, ACT teams bring treatment to the patient, rather than wait for the patient to seek treatment. ACT teams aggressively search for the untreated mentally ill in homeless shelters and jails to get them cared for, to determine their appropriate medicine, and to ensure that they take it. ACT teams also help severely mentally ill individuals who've been released from hospital ease their way back into society. A team member will visit, often daily, a newly released patient wherever he lives—whether in a group home or in his own apartment—to check up on his medication compliance. In addition, ACT teams offer "practical on-site support in coping with life's day-to-day demands," as one of the model's architects, psychiatrist William Knoedler, puts it. An ACT team worker will assist in the routine household chores, from buying groceries to paying bills, that are often forbidding to the severely mentally ill when they first return to the outside world.

The ACT model has proven both clinically effective and affordable. Michigan has had the most experience with ACT teams, with more than 120 now up and running, and the state has reduced re-hospitalization by 90 percent. Randomized trials in Australia, England, and the U.S. have demonstrated a more modest, but still significant, 50 percent reduction in re-hospitalization for patients treated with this model. The mentally ill and their families express satisfaction with it. The total cost of care per patient for ACT teams is approximately $50 a day—less than the cumulative costs of re-hospitalization, several studies have shown.

Despite this successful history, however, ACT remains frustratingly limited in its reach. So far, only five states other than Michigan have ACT teams available statewide, though 19 states and the District of Columbia now have ACT demonstration programs in place.

The most effective means for providing people with severe mental illnesses the social and vocational supports they need is the clubhouse model, patterned after New York City's Fountain House, opened with private funds in 1948 and still going strong, with a $14 million annual budget. (As with most clubhouses, today its funding comes primarily from government sources.) Clubhouses are community facilities, usually open 365 days a year, in which mentally ill individuals—called "members"—get together in a non-threatening, stigma-free atmosphere. Clubhouse staff dress no differently from members, don't give out medicine, and don't offer therapy, but do stress to members the importance of taking medication.

Clubhouses provide the severely mentally ill with community and work. A bustle of social activity greets a visitor to Fountain House's spotlessly clean headquarters in midtown Manhattan: mentally ill individuals are learning about their ill nesses, receiving tutoring to get a high-school equivalency diploma or to get up to speed for community college, talking in the sunlit rooftop café, even filming an educational program to air on the clubhouse's in-house TV station. Together with staff, Fountain House's members (1,300 on the active roster) make the clubhouse run by answering phones, guiding tours, and preparing and serving lunch for members, staff, and visitors every day. Though several severely mentally ill people sit quietly, staring blankly, and a few others appear completely out of sorts, the general impression is one of hope and striving—and a certain *esprit de corps*.

Most clubhouses, Fountain House included, stress the importance of work as a reintegrative force in the life of the mentally ill. One of the country's best is the 120-member Green Door in Washington, D.C., and work is central to its mission—"real work, not make-work," emphasizes executive director Judith Johnson. The Green Door, like Fountain House and many other clubhouses, offers a three-stage work program for its members that boosts their confidence, teaches skills and good work habits, and increases their independence.

Green Door's program begins with supported work on clubhouse premises. It might just be sweeping the floor, but the key, Johnson explains, is to build confidence—to make members aware that they *can* work, and that they aren't simply passive recipients of others' care. A member who feels ready will then try working outside the Green Door, in a carefully controlled setting. The clubhouse has arrangements with several companies, including MCI and Marriott, to provide 25 or so

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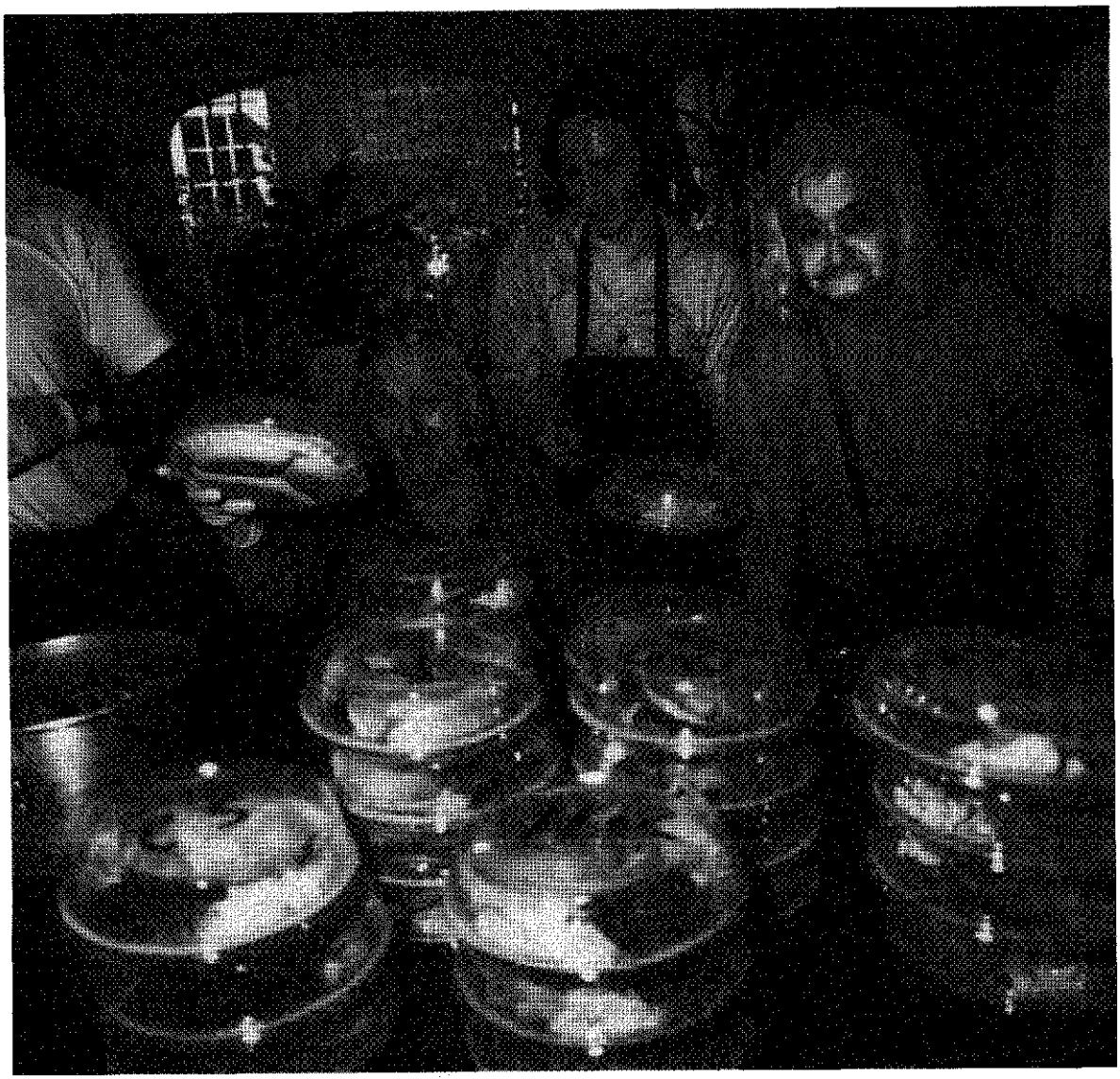

. . . by providing community support, help in finding work, counseling, and housing, . . .

six-month jobs for members—usually entry-level duties cleaning up, helping in the kitchen, or sorting mail, since most of the severely mentally ill don't have college degrees or much work experience, and some are too ill to do anything more ambitious. These transitional positions are popular with the employers, because if a member doesn't show up for work or doesn't do the job adequately, Green Door staff will fill in. Fifty percent of the members fail in their first transitional job, but only 25 percent fail the next time out, and almost nobody fails the third time.

After members complete a few of these six-month transitional jobs successfully, a real job follows. The clubhouse helps its members write résumés, and staff members comb through newspaper classifieds to find them positions. Once employed, members can get promoted or lose their jobs, like anyone else. The Green Door currently has 50 members in permanent positions—again, mostly at the entry level. But college-educated members have gotten much higher-level jobs. One works in a stockbroker's office, another in a university financial-aid department; and in a striking success story, Alese Witherall, a schoolteacher before falling ill with schizophrenia, now works for the Federal Reserve, making $35,000 a year.

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True, director Johnson acknowledges, not every mentally ill person can go back to work. Some members are so impaired that success for them is simply to get out of bed in the morning, stay out of the hospital by taking medication, and make it to the clubhouse. Others, who may have spent most of their adult lives in mental institutions, view themselves as retired. But nearly half of all people with severe mental illness are capable of working at least part-time, thanks to programs like the Green Door's—a remarkable improvement over the 5 percent of the seriously mentally ill employed nationally.

Like ACT, clubhouses have proven both effective and affordable. In addition to the high employment rate of its members, the Green Door boasts an annual re-hospitalization rate for members of just 12 percent. The total cost of running the Green Door is around $6,000 yearly per member. Even if you add $15,000 for housing to the Green Door's $6,000 cost, the total is cheaper than jail, at some $60,000, or persistent re-hospitalization. Other clubhouses have achieved similar results. Yet, like ACT again, clubhouses aren't nearly as widely available as they should be, with fewer than 150 operating in the United States to date.

"Combined, federal programs spend more than $40 billion a year on mental disorders."

The severely mentally ill also need a special kind of housing to go with coordinated outpatient services and social and vocational assistance. Some effective housing programs for them already exist, the best featuring an array of options, so that a mentally ill person can get varying levels of supervision depending on his clinical state. Some severely mentally ill individuals—often those new to treatment, homeless and unmedicated a short time before—require 24-hour, on-site supervision until their condition stabilizes, while the least ill, suitably medicated, can live more or less on their own. Yet others require something in between—supported living in a group home, say, or living in an apartment with weekly visits from a mental health worker. And since many of the severely mentally ill move through cycles of relapse and remission, they require different kinds of housing at different times.

Clubhouses often have excellent housing programs—in Fountain House's case, quite a big one, accommodating nearly 500 residents in a variety of housing throughout New York City, costing a little over $40 a day per person. One of the nation's best housing programs for the severely mentally ill is in Chicago, run by Thresholds, a big nonprofit organization that got its start as a clubhouse before branching out to include therapy in its rehabilitative services. Thresholds accommodates 700 severely mentally ill individuals in a host of group homes, apartment houses, individual apartments, and single-room-occupancy hotels located throughout the Windy City. Supervision ranges from the intensive to the mostly independent. Thresholds spends $7 million of its $34 million yearly budget on its housing program (about $27 per individual per day), with the additional funds flooding into an array of services, including educational and therapeutic workshops.

For the mentally ill homeless, religious groups have been especially effective housing providers. The St. Francis Residences in New York City are exemplary. Three renovated hotels, they have 280 clean and brightly painted rooms for severely mentally ill individuals, most of them previously homeless, and the friars arrange for the tenants to have exercise, social activities, and two meals a day. They also link tenants up to psychiatric services. As one older resident enthused about the friars to a reporter, "They're concerned about us, concerned about our health. You have the feeling you're not alone." Franciscan frugality provides these formerly homeless mentally ill tenants a room and hot meals for just $15 a day.

With proper medication, and with housing and services like these, the vast majority of those with severe mental illnesses can live in the community,

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though often not fully integrated into it. Even so, a humane mental health care system will still need some long-term inpatient beds for acutely ill individuals and for that small number of patients who do not respond to currently available medicines.

The 200-bed New Hampshire State Hospital is probably the nation's most admirable example of such an institution. Well-managed and staffed by quality mental health professionals whom the Dartmouth Medical Center recruits and supervises on state contract, the hospital has minimal staff turnover and thus good continuity of care. The hospital works hard to make life there more pleasant for patients; it shows a nightly movie, with popcorn, for example, and tries to create a homey atmosphere. It also offers a variety of treatment alternatives for inpatients, depending on the severity of their illness. The average length of stay for those in the temporary admission unit is eight days, while those in the continuing care unit remain for six weeks to six months. Only a few patients need to remain for a year or more, usually because complicated brain damage makes community care unrealistic.

New Hampshire boasts the best public inpatient facility and some of the best outpatient facilities in the nation, thanks to intelligent leadership in the state mental health system and the state government for more than a decade. As the state's 2,200-bed mental hospital system gradually discharged patients, officials wisely reinvested the money they were saving into the ACT teams and other outpatient services that the first-rate Mental Health Center of Greater Manchester employs. New Hampshire also benefits from a significant research program linked to its Dartmouth contract, investigating what services work and how to do things better.

If such superb models exist from coast to coast, why aren't they proliferating rapidly and joining up to form a coherent national system? The simple answer: Washington. The federal government, which in 1962 contributed just 2 percent of the total funds in the mental illness system, today contributes two-thirds. It dominates the system through Medicaid and Medicare, the two huge federal paws that reach out and affect almost every decision regarding treatment at the state and local levels, and through a confusing swarm of other federal programs, the biggest of which are the SSI and SSDI disability insurance programs. Combined, federal programs spend more than $40 billion a year on mental disorders, with Medicaid paying out more than a quarter of the total—and the amount is steadily growing. This massive shift of costs from the state to the federal level has been the biggest cause of the crisis of the mental health system.

The reason is a classic story of unintended consequences. When, during the 1960s, a well-intentioned federal government first launched Medicaid and other programs that offered benefits to the mentally ill, it excluded payments to state psychiatric hospitals and other state institutions for the treatment of mental diseases. The feds originally had intended only to extend a helping hand for those mentally ill individuals whom state hospitals discharged into the community, not to take on most of the burden of the mental illness treatment system, which, after all, had been a state responsibility since the early nineteenth century.

Tragically, the feds assumed that their financial assistance would be of short duration, since the prevalent view—noisily trumpeted by civil libertarians and the psychiatric establishment—was that mental illness was partly the product of psychiatric institutionalization itself. Once released from these oppressive institutions and given modest financial aid, the fashionable thinking ran, most mentally ill individuals could function on their own, perhaps occasionally dropping by the 800 or so new, federally created "community mental health centers" to receive free outpatient treatment. (These centers, with a 20-year federal mandate but little oversight, degenerated almost instantly into founts of social activism, ignoring the needs of the mentally ill. Today, their mandate ended and their funding dried up, most of them have closed their doors or have become counseling centers.)

As the new federal programs kicked in, though, something quite different happened: state governments quickly discovered that they had a huge fiscal incentive to push patients out of state mental health institutions, and little incentive to care what happened afterward. For the seriously mentally ill, the consequences were a disaster. State psychiatric hospitals, under state government pressure to transfer costs to the federal level,

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inappropriately discharged scores of patients. Many of these psychiatrically disabled individuals, instead of flourishing on their own as the fashionable psychiatric and libertarian orthodoxy promised they would, fell between the cracks of the treatment system and wound up homeless or in jail, where local government bore the costs. Others, on paper deinstitutionalized, found themselves "transinstitutionalized"—shunted into nursing homes or kindred institutions, where federal funds did pick up the tab, but where little or no inspection took place and where staff wasn't trained to treat mental illness. And because federal funds were available for psychiatric care in general hospitals but not in state psychiatric hospitals, most inpatient care for the mentally ill now took place on general hospitals' psychiatric wards. Unfortunately, these wards too often were inappropriately staffed and offered little follow-up care. Reluctant to treat severe cases of mental illness, the general hospitals were simply turning away patients suffering from schizophrenia or other severe conditions.

Beginning in the sixties, then, the big question driving the emerging mental health system was not "what do patients need?" but "what will federal programs pay for?" But even as its role in the mental illness system grew exponentially, the federal government proved grossly incompetent in filling the system's widening cracks. Federal bureaucrats at the Health Care Finance Administration (HCFA) headquarters in Baltimore ultimately decided which treatment services were eligible for federal reimbursement and which weren't, and in which states. Many of these bureaucrats had never seen an individual with a severe mental illness and had no knowledge of local resources and conditions, which varied widely from Stark County, North Dakota, to Los Angeles County, California. How could they make informed decisions on what services to fund, especially since no authoritative mechanism was in place that might have allowed them to determine which programs actually helped the mentally ill and which were the most cost-effective? The result was a hodgepodge of confusing and conflicting regulations that left the mentally ill in the lurch.

Ed Francell, a former mental health administrator in Georgia, vividly describes how bizarre the regulations had become—and how counterproductive to effective treatment. "While I was an administrator," he recalls, "we actually talked very little about clinical services and almost entirely about how we could 'game' the system to get as much Medicaid revenue as possible." One absurd but typical example: since Medicaid allows reimbursement for emergency crisis services in Georgia only when they are provided to psychotic individuals outside their homes, Francell recounts, "we actually instructed clinicians to try to coax the [patient] outside the house into the front yard to be able to bill the service." Medicare regulations are equally absurd, requiring a psychiatric nurse in Washington state, for example, to maintain two offices three miles apart on either side of the county line to maximize reimbursements.

The increasingly bureaucratic and federally dominated mental illness treatment system has snuffed out promising new initiatives and hampered proven innovations from expanding. As early as the 1960s, a pilot program in Louisville, seeded modestly with state money, demonstrated that public health nurses making daily home visits to acutely psychotic patients prevented many hospitalizations; though it was cost-effective, this proto-ACT program didn't get off the ground

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. . . but the irrationality of government funding keeps their numbers low.

because it didn't qualify for Medicaid funding. Similarly, during the early 1970s, a pilot program in Denver demonstrated that using "crisis homes" to stabilize acutely mentally ill individuals instead of having them hospitalized was both clinically effective and cost-effective; it, too, died for lack of federal funds. Thanks to truly imaginative fund-raising—drawing on federal grants, state and local money, and private benefactors—a small number of ACT teams and clubhouses have been able to take root, but the extreme difficulty of accessing federal money, Medicaid above all, has sharply limited their growth.

The vast SSI and SSDI disability programs—together they paid out more than $17 billion in 1997 to those suffering from mental disorders—have added to the federal damage to mental health services, in two ways. First, federal rules prevent mentally ill SSI and SSDI recipients from working more than a nominal number of hours without losing

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their disability benefits and, even worse, their Medicaid coverage, too—so that they can no longer afford the pricey medication that enables them to work in the first place. The fear of lost benefits—and thus, the fear of not being able to work at all—discourages many of the mentally ill from working more than part-time.

The second way these programs cause damage is that SSI and SSDI money comes to recipients in the form of monthly checks—approximately $500 a month for SSI and $700 a month for SSDI—with few restrictions on how recipients use the money. But while such a system makes sense when the recipient is rational, the mentally ill by definition aren't always in command of their faculties. Too often, these federal monies have simply subsidized self-destruction, particularly with the mentally ill homeless, who often spend their government checks on alcohol or drugs. As if these poor uses of government funds weren't bad enough, federal grants also fuel forums for counterproductive mental illness advocacy, like the Center for Mental Health Services and the Protection and Advocacy program. Both these institutions, completely under the influence of anti-treatment advocates, spend their time discouraging the mentally ill from seeking the treatment they need.

"States that let homeless mentally ill individuals drink themselves to death would lose potential funds."

The proper reform of the federal role is simple, if ambitious: block-grant as much as is politically feasible of the more than $40 billion in federal funds spent yearly on the mentally ill to the states and then hold the states responsible. Ideally, the federal government, which has done an abysmal job in the provision of human services, should get out of the mental illness treatment business altogether, except for keeping statistics and monitoring quality of care. Instruments for the measurement of treatment outcomes are reasonably well developed but little used. Such instruments can include evaluations by patients themselves of their sense of well-being and assessments by mental health professionals of patients' conditions, taking into account, say, symptom reduction. They can include outcomes of programs, too, such as the proportion of their clients who work or who have been re-hospitalized. Finally, they can include broader community outcomes, such as the number of homeless mentally ill, the amount of police time spent on mental illness crisis calls, and the number of mentally ill people held in jail. (Federal inspectors could do surprise checks of jails to make sure that states were giving an accurate head count.) We could call such an approach measured care.

How would such a system work in practice, and how would the federal government be sure that states, counties, and cities were providing the needed services? Under measured care, the federal government would compare and publish treatment outcome data collected at the state and local levels. States would receive ratings based on their treatment outcomes; the feds, in allocating the block grants, would then reward those states doing the best job. States that, say, let homeless mentally ill individuals use government funds to drink themselves to death would receive poor ratings and lose potential funds. And since the number of mentally ill people in jails would be a negative measure, states would no longer be content to leave them there, shifting the cost of upkeep for the mentally ill downward to the localities that pay for the jails. The feds would also have to ensure that block-granted funds for psychiatric services went to serve the mentally ill, not to build sports arenas.

A non-political body—perhaps the National Academy of Medicine or something akin to the commission that monitored the quality of psychiatric care in England from 1845 to 1912—would make the final assessment of treatment outcome data. The federal government would have a huge stake in making sure that mental illness programs are effective, since it pays hugely to fund them.

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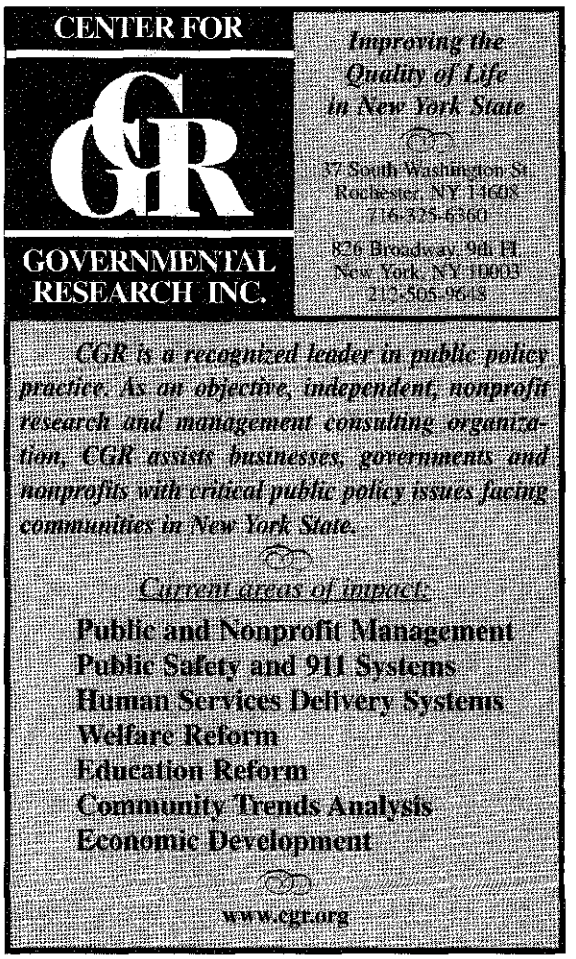
Once the federal government devolves the mental health care funds to the states, the states in turn should transform the way they disperse the money. They should stop reimbursing specific services, whether or not anyone needs them or whether or not they lead to any useful outcomes. Instead, in the same way that they decide how to fund other social services providers, states would learn through trial and error what mix of innovative institutions is appropriate, where those institutions should be located, and which of them does the best job. They would re-allocate contracts based on their own outcome measures. Sensible advocacy groups like the Alliance for the Mentally Ill could play an important role in evaluating programs, as various state branches of the alliance have done already.

Second, experience strongly suggests that funding for mental illness services should go to the private, not-for-profit sector, which has a respectable history in providing services to the mentally ill. In government provision of services, civil-service regulations inhibit the flexibility necessary to meet the daily crises inherent in treating mentally ill people, though a few state programs, as in New Hampshire, have proven exceptions. And, so far, for-profit provision of mental illness services—at least under the present psychiatric care system, in which fewer services bring greater profits, and which doesn't take into account treatment outcomes—has proved a bad and scandal-ridden option.

What programs might the federal government feasibly transform into block grants without igniting a political firestorm? The mental illness entitlements of Medicaid and Medicare, which fund services but don't arrive as individualized checks in the mail, would be the best place to start. In fact, in 1995 Congress passed a bill block-granting all of Medicaid to the states, only to watch President Clinton veto it. But the ideal is clear enough: a dramatically scaled-back federal role, a sensible set of financial incentives, and measured treatment outcomes.

Die-hard believers in the civil-libertarian rhetoric of the 1960s—the American Civil Liberties Union, say, and radical law groups such as the Bazelon Center of Mental Health Law in Washington, D.C.—will fight these developments bitterly, but theirs will be a rear-guard action, doomed to failure. The future of mental health care in the country is already beginning to take shape. Because so many of the needed changes are at the level of federal agencies, a bold new presidential administration will have a marvelous opportunity to accelerate its process, take credit for its successes, and improve vastly the lot of hundreds of thousands of Americans whose condition today is no different from that described almost four decades ago, in the 1961 *Final Report of the Joint Commission on Mental Illness and Health*: "A large proportion of mental patients at present, as in the past, are not treated in accordance with democratic, humanitarian, scientific, and therapeutic principles. We have substantially failed them on all counts."

It's time for a humane change. ■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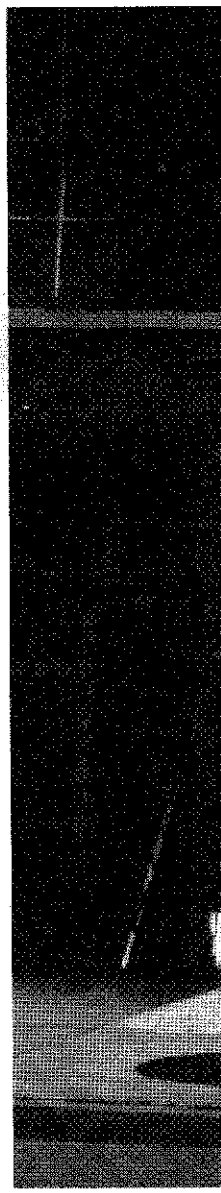
Down-and-Out Upstate

While the rest of the rust belt prospers, upstate New York withers. Reasons: toxic taxes and ruinous regulation.

Jerry Zremski



Normally, New York City residents and the rest of the nation don't pay much attention to upstate New York, a 52-county swath of rolling farmland, forested mountains, and decaying industrial towns that almost 7 million people call home. But when Senate hopeful Hillary Clinton's campaign "listening tour" recently swept through the region, upstate New York's woes suddenly became front-page news.

With the spotlight on, it's a perfect moment to gauge the magnitude of upstate's economic and political failure. Though other rust-belt cities—Cleveland, say, or Grand Rapids, Michigan—are flourishing in the national boom, upstate cities such as Buffalo and Syracuse, like them in almost every demographic and topographical particular, are drooping. The upstate region as a whole, were it a separate state, would rank last in the continental United States in job creation between 1990 and 1998. One key reason: despite his happy talk about massive tax cuts and economic recovery, New York governor George Pataki hasn't been able to break sufficiently with 35 years of business-killing state taxation and regulation.

During the 1980s, a tremendous wave of global economic competition rolled over the rust belt, the seven old industrial states, from Michigan to New York, that border the Great Lakes. Aging factories had to shape up—slashing bloated payrolls and updating technology—or shut down. Many factories closed: during the 1982 recession, rust-belt unemployment rates rocketed toward 13 percent, and economists warned about the hollowing out of American industry. From Green Bay to Buffalo, boarded-up factories and vacant lots became drearily familiar sights. Michael Moore's left-wing 1989 documentary *Roger and Me* captures the era's pessimism, depicting Flint, Michigan, once a powerhouse auto-producing town, as a post-apocalyptic wasteland, where one desperate resident cooks her pet rabbits to stave off hunger. Hordes of laid-off workers deserted dying cities like Flint—and the depressed rust-belt states as a whole—seeking opportunities elsewhere. As Wisconsin governor Tommy Thompson recalls, "Things were so bad that the Illinois people put up a billboard on the highway near the border, saying: 'Will the last company to leave Wisconsin please turn out the lights?'"

Now flash forward to 1999. The rust belt—except for its eastern extremity, upstate New York—today explodes with economic opportunity and hums with new plants boasting up-to-the-minute manufacturing technology. The contrast with upstate couldn't be more vivid. Steve Silino, a former Syracuse businessman, whose electrical-contracting firm died in upstate's frigid economic climate, was stunned as he drove through Ohio a couple of years ago. "There were all these new factories along the highways," Silino says, amazement still in his voice. "I thought other parts of the country were just like Syracuse."

Thankfully not: job growth in the revived rust belt has been vigorous during the 1990s. Illinois boasts a 12.9 percent employment increase, Ohio a 13 percent jump, Michigan a 15 percent upswing, prompting Governor John Engler to nickname it

Photographs by James P. McCoy

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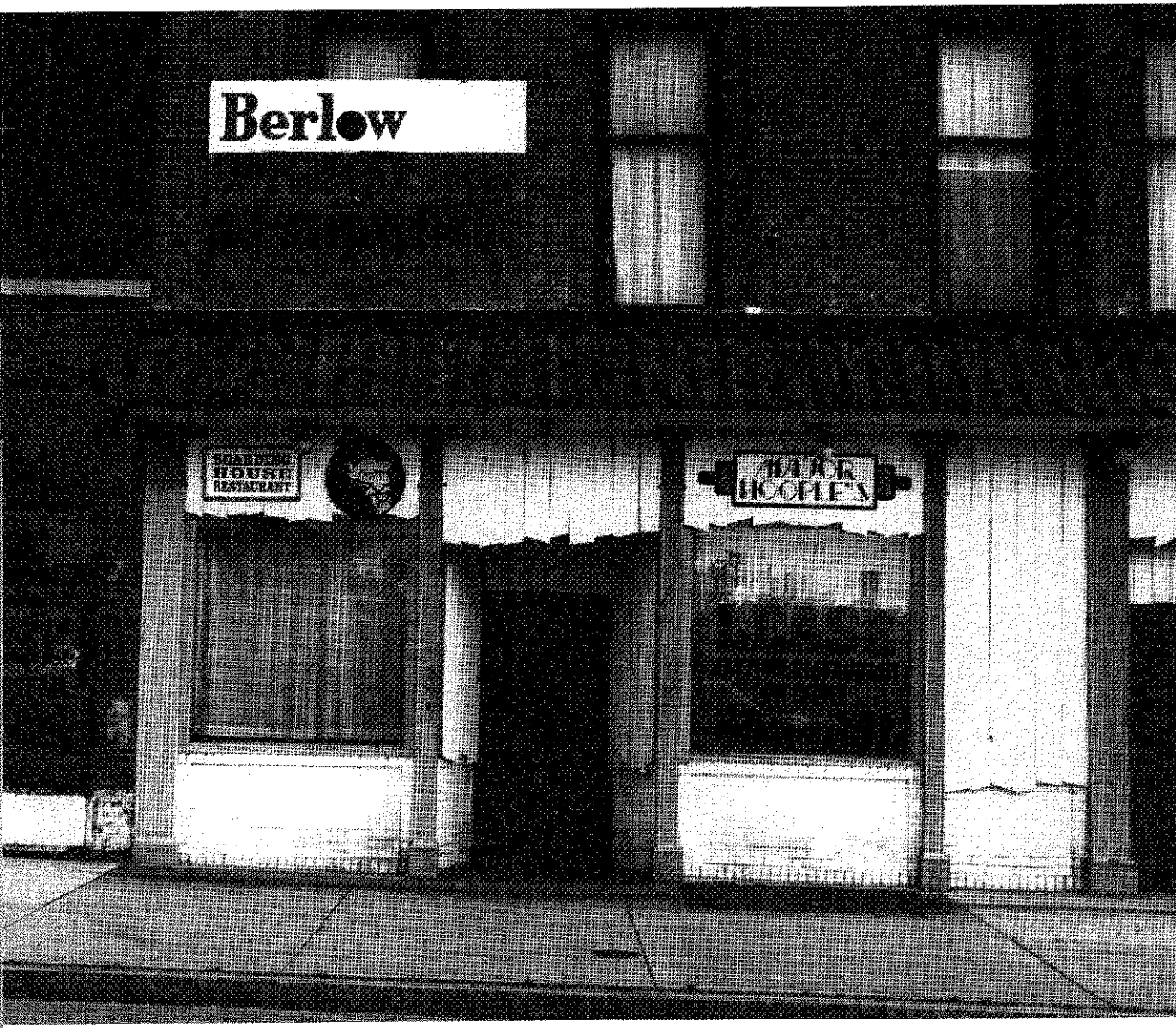

Crushing taxes and tangles of red tape make it hard for upstate businesses to succeed.

"Jobzilla." In Thompson's Wisconsin, employment has grown 20.2 percent—the highest percentage increase of any rust-belt state. Even Pennsylvania, whose antiquated steel industry took the fiercest hits from global competition during the eighties, has increased its job base by nearly 7 percent. Overall, the rust-belt (again excluding upstate) can claim 3,148,300 more jobs at the end of the decade than at the start—a hefty 13.1 percent improvement. The region's recovery is one of the most remarkable economic turnarounds in U.S. history.

Economic renewal has brought people streaming back. Rust-belt states can't match the double-digit population growth of sun-belt states like

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Nevada or Arizona, but for a region that was supposed to be dying, it's doing fine. As of 1998, Wisconsin's population was up 7 percent, and Indiana's up 6.4 percent since 1990. The rest of the rust belt grew in population, too, though not quite as briskly. The population growth has in turn produced some nice gains for homeowners. Three Michigan metro areas—Flint, Detroit, and Kalamazoo—led the rust belt in housing appreciation during the 1990s, with dramatic gains of more than 70 percent; throughout the region homes went up in value by more than 20 percent on average.

The rust belt's once-sickly cities surge with new vitality. In Ohio, a revitalized downtown Cleveland, an emblem of urban decay a decade ago, today teems with tourists visiting the popular Rock 'n' Roll Hall of Fame, while once-desolate Columbus leads the state with 21 percent job growth. In Michigan, Flint added thousands of jobs, and Detroit, long considered dead, has come back to life, creating an extraordinary 241,850 new jobs during the 1990s. Kenosha, Wisconsin—where American Motors expired in the mid-1980s—gleams with new industrial parks. Across the rust belt, the whole picture is one of rebirth and renewed energy.

"There are very few regions of the country that are as depressed as upstate New York."

Until you reach upstate New York. There, it's a much grimmer picture. In three key indicators of economic vitality—job growth, population, and housing prices—upstate communities are floundering.

During the past four decades, upstate has added new employment at barely a third of the national rate, and more than a quarter of its new jobs were in government. During the nineties, while the nation's overall employment grew 15 percent, upstate's ticked up an abysmal 1.2 percent, thanks largely to a 0.9 percent gain in the first half of 1999. But the jobs that upstate has managed to create are concentrated in the lowest-paying sectors of the economy, such as retailing or telemarketing, rather than in high-paying sectors. Moreover, the upstate region is laggard within New York as a whole: with tourism and the stock market surging, the New York metro area and Long Island reported twice upstate's job-growth rate for the first half of this year. Only one upstate area—Poughkeepsie—exceeds the national 2.2 percent job-growth average in 1999, and that's simply because its biggest employer, IBM, has rebounded from its troubles earlier in the decade.

Six upstate cities—Buffalo, Elmira, Newburgh, Syracuse, Rochester, and Utica—are so hard up for job growth that they'd actually receive federal aid under the Clinton administration's proposed "New Markets Initiative" to bring enterprise to devastated areas like Appalachia and inner-city Los Angeles. To qualify, a census tract must show a poverty rate of 25 percent or higher, or have wage levels of less than 80 percent of the national average. "There are very few regions of the country that are as depressed as upstate New York," observes Mark Zandi, president of Regional Financial Associates, an economics consulting firm.

Given this weak performance, it's not surprising that upstate's population is shrinking. Last year, upstate lost more population than any state did, with 0.4 percent of its nearly 7 million residents leaving the region. Metro Buffalo has lost 36,000 people during the nineties; Utica is down 22,000. Worse, it is the young who are going. During the past decade, Oneida County lost 26.4 percent of its 18–24 year-old-population; Erie County lost 23 percent; Onondaga County 21 percent; and Monroe County 19.3 percent. Laments Irwin Davis, head of the Metropolitan Development Association of Syracuse: "That's the workforce you want—that's your future."

Needless to say, upstate is having a hard time attracting new people. As Anthony Kumiega, staffing and employment manager at defense contractor Lockheed-Martin's Syracuse operation, glumly puts it: "When mobile people think of going

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somewhere, New York isn't even on their list. We seem to have the reputation for people leaving rather than people coming." The population loss is the principal reason that the upstate unemployment rate runs slightly lower than the national average—fewer people are around to look for jobs.

The loss of the young and ambitious, combined with the failure of the region to attract talent from other states, may itself be limiting job growth, especially in knowledge-based sectors like high tech. Though Kodak, Rochester's biggest employer, is mired in economic difficulties, it is still desperate for highly skilled engineers, says company spokesman Paul Allen. But it can't find any in the area. In Syracuse, the high-skilled manpower shortage is so bad that a group of high-tech companies have banded together to form "the DaVinci Project," a website touting the benefits of life and work in upstate New York.

A shrinking population has spelled trouble for upstate homeowners, too. In Binghamton, Syracuse, and Utica, for example, home prices fell during the nationally prosperous 1990s, with the average Binghamton home price shrinking by almost a quarter of its value—to $70,700—between 1990 and 1998. Other upstate metro areas have seen small increases in the worth of homes: in Albany, a negligible 0.2 percent increase and in Rochester an 8.9 percent increase—far below the rust-belt average of more than 20 percent. Collapsing demand has hurt homebuilders: "I can't make money here anymore," grumbles Robert Deforest, who runs his business out of Syracuse. Earlier in the decade, he built 30 homes a year upstate; now he builds ten.

It adds up to some bleak scenes in a region that, from Niagara Falls to the Catskills, teems with natural beauty. Much of the Lake Erie waterfront south of Buffalo consists of derelict buildings and empty lots. In Rochester, the streets around Kodak Park appear hauntingly deserted in the wake of the corporation's thousands of job cuts. FOR SALE signs linger long on the lawns of the tiny wood-frame houses that line Utica's streets. All over upstate, you can't help feeling that things are falling apart and shriveling up. Accordingly, Michael Margolis's New Buffalo Graphics, a store championing Buffalo's supposed comeback and selling T-shirts promoting the city, closed its doors in 1998.

Why does upstate sag while the rest of the rust belt thrives? A small part of the answer is bad luck. As the eighties' painful industrial restructuring revolutionized the rust belt, upstate New York found itself with plants owned by companies, such as Bethlehem Steel, that couldn't adapt and eventually perished.

But the deeper reason has to do not with luck, but with politics. During the late eighties and nineties, the rust belt benefited hugely from a group of governors who cut taxes, restrained spending, and promoted smart development policies, helping to transform previously high-cost states into investment-attracting and business-nourishing places. Ohio's governor for most of the nineties, Republican George Voinovich, cut the state's rate of spending growth to its lowest level in 30 years and kept Ohio's taxes well below the national average, for example; he also aggressively lobbied to attract foreign businesses, so that Ohio now leads the nation in luring overseas investment. In neighboring Indiana, Democrat Evan Bayh spent eight years in office without once raising taxes. In Illinois, Republican Jim Edgar used his eight-year term to slash the state government's workforce and left office this year with a gigantic budget surplus.

Most impressive are Wisconsin's Tommy Thompson and Michigan's John Engler, both Republicans. When Thompson first came into office in 1986, he pushed through his state legislature the largest capital-gains tax break in the country—the main reason corporate taxes were 20 percent lower than in New York by 1996. Thompson has also gone out of his way to make sure that growing companies are happy. "He'd come through here and meet the people who work here," says George Dalton, whose Fiserve data-processing firm has grown into a world-spanning corporation with 11,000 employees. "We certainly don't have the unfriendly business climate we once had." Engler, since becoming governor in 1991, has cut Michigan's state taxes by a whopping $11 billion, bringing them below the national average. Both he and Thompson have had to cajole, persuade, or threaten recalcitrant state legislators to pass reforms. At one point, Engler's popularity polls had dropped to 19 percent, as critics charged him with being "mean-spirited"; today, his approval ratings are above 60 percent.

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Smart political leadership wasn't the only reason the rust belt came back—it also benefited from some eagle-eyed corporations and energetic business groups. But its political climate is the major difference with its sick sibling, upstate New York.

Upstate New York has long been utterly toxic to business, thanks to high taxes, extensive regulation, and excessive energy costs—all products of New York's uniquely dysfunctional political culture, which, five years into George Pataki's governorship, remains thoroughly entrenched.

How New York came to be a tax-burdened basket case is a well-known story, centering on two profligate governors. Beginning in the late fifties and for nearly two decades thereafter, Nelson Rockefeller transformed New York into a state-capitalist behemoth that furiously set to building public universities, state hospitals, and public housing projects, and to launching countless government programs, including a massive expansion of Medicaid. Mario Cuomo, first elected in the recession year 1982, spent the 12 years of his administration extending the reach of state government even further, firm in his belief that New York was a "family" that had to take care of its own. By the time Cuomo was through, he had increased state spending 200 percent to $60 billion a year, swollen New York's debt to gargantuan size, and boosted taxes to 60 percent above the national average—at the same time that other rust-belt governors were stubbornly holding back spending and ruthlessly cutting taxes.

Pataki was going to rescue New York from all this fiscal intemperance, but he hasn't. Though he has cut $19 billion in taxes, New York as a whole remains second only to Hawaii in total state and local tax burden as a percentage of income, says the Washington, D.C.–based Tax Foundation—25 percent above the U.S. average. Per-capita state and local taxes were 53.5 percent higher than the typical state in 1996. In upstate alone, the M&T Bank observes, state and local taxes per capita were 14.6 percent higher than the U.S. average in 1996—a number that doesn't seem so bad at first. But upstate's profusion of Appalachia-poor residents, who pay taxes at low rates, help keep the percentage down. At the higher end of the scale, according to *Kiplinger*'s *Personal Finance* magazine, the state and local tax burden for a couple with two children and a $250,000 house would be heaviest in the nation in Buffalo, New York. "By anyone's account, taxes are a major factor that we must continue to deal with," says John Sheffer, director of the Center for Governance and Regional Growth at SUNY Buffalo. "We've made some progress, but it's not nearly enough."

New York's property taxes are nearly 70 percent higher than the average state. One key reason: New York forces localities to pay 50 percent of the non-federal share of Medicaid—a share that zoomed 150 percent higher than the U.S. average as state legislators realized that they could gain votes by offering nonessential services like chiropractic treatment to Medicaid recipients, while using state funds to pay only a quarter of the tab; localities then must tax property owners to pay their portion of the bill. Other state mandates also ratchet up local taxes by increasing local government costs. But while Pataki has sought to restrain Medicaid costs by vetoing some new benefits, he hasn't been willing to push for mandate reform or for a state takeover of nonfederal Medicaid financing, which would encourage legislators to be more responsible and decrease local property taxes.

Even more disappointing, Pataki's 1998 budget boosted state spending by more than 8 percent—worse than most of Cuomo's fat budgets. The yearly cost of state government has reached $74 billion under Pataki, and state debt now approaches $70 billion, a sum that threatens the prosperity of future New Yorkers, who will foot the bill.

New York's welfare state has also spawned a gigantic regulatory apparatus that tangles businesses in red tape. From over-generous workers' compensation rules to environmental mandates to the hefty fees and bureaucratic foot-dragging new businesses have to endure just to open, New York's regulatory environment makes it, in the words of Jonathan Lesser of *POV* magazine, "one of the worst places to start a business" in the nation—and makes it inhospitable to existing businesses, too. Pataki has made few inroads against such intrusive regulation. His biggest victory, a reform of workers' comp, leaves the program still the rust belt's

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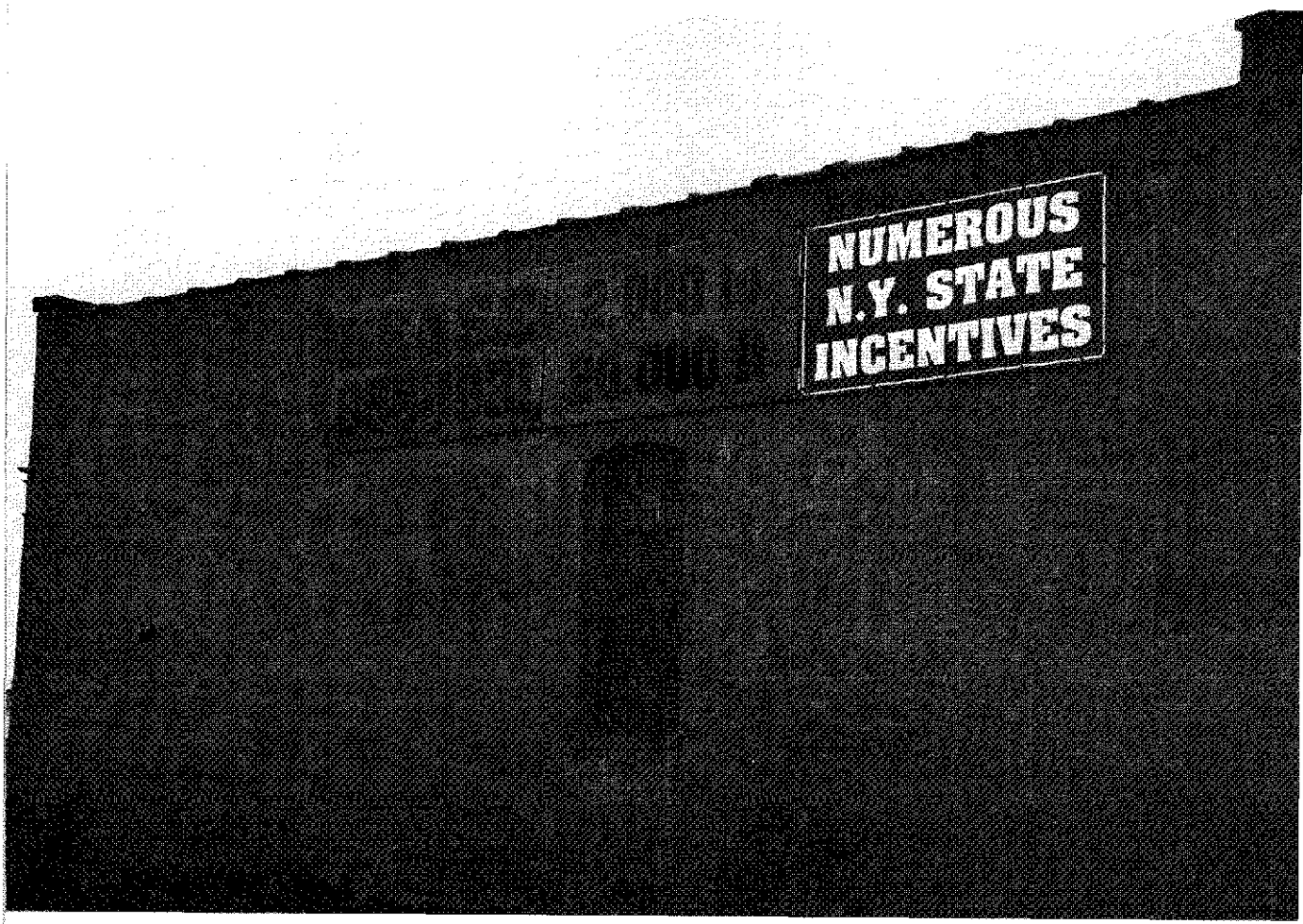

Were it a separate state, upstate would rank last in the continental U.S. in job growth from 1990 to 1998.

most expensive, with costs nearly 50 percent higher than Wisconsin's in 1998.

The state's regulatory morass discourages entrepreneurs, who often throw their hands up and leave the state. Jeffrey Evershad is sadly typical. A former Albany banker, Evershad left upstate after a rude encounter with state officials while trying to start his own company in 1994. "After two long sessions at the state capitol, I still couldn't get incorporated," he remembers. Frustrated, Evershad called the business licensing office in Oregon, and presto: an official faxed him a form, asked for his Visa number, and vowed to get him a license that day for $50—a tenth of what New York charged. He was off to Oregon. George Phelps, a former Syracuse-based homebuilder who now runs his business out of North Carolina, says that it took him three times as long to get a new subdivision approved by government agencies in New York as it does in his new state.

State regulations helped obliterate one of New York's traditional assets—cheap electricity. In 1981, the State Legislature passed a law forcing public utilities to buy power from new "independent power producers"—small companies that would help ward off any future 1970s-like energy crises. To protect the independent producers, the state required the big utilities to contract with

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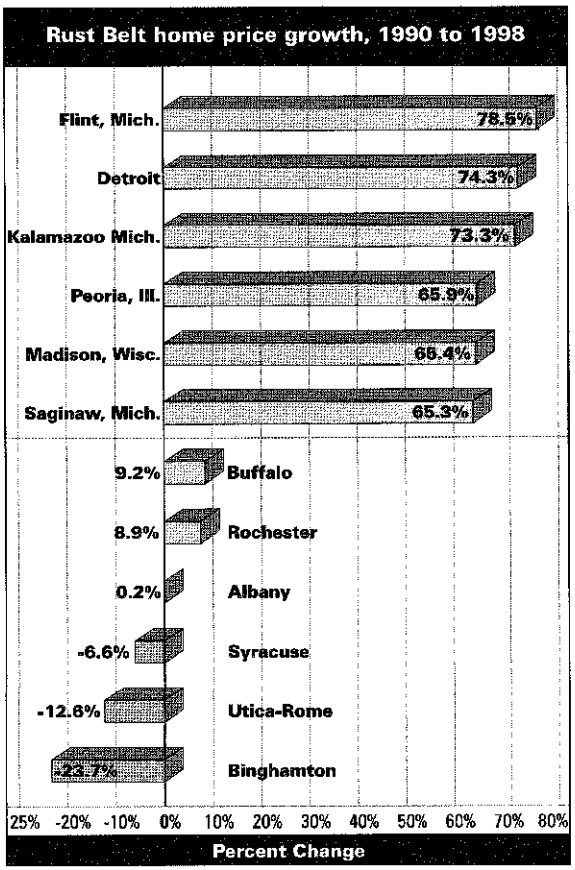
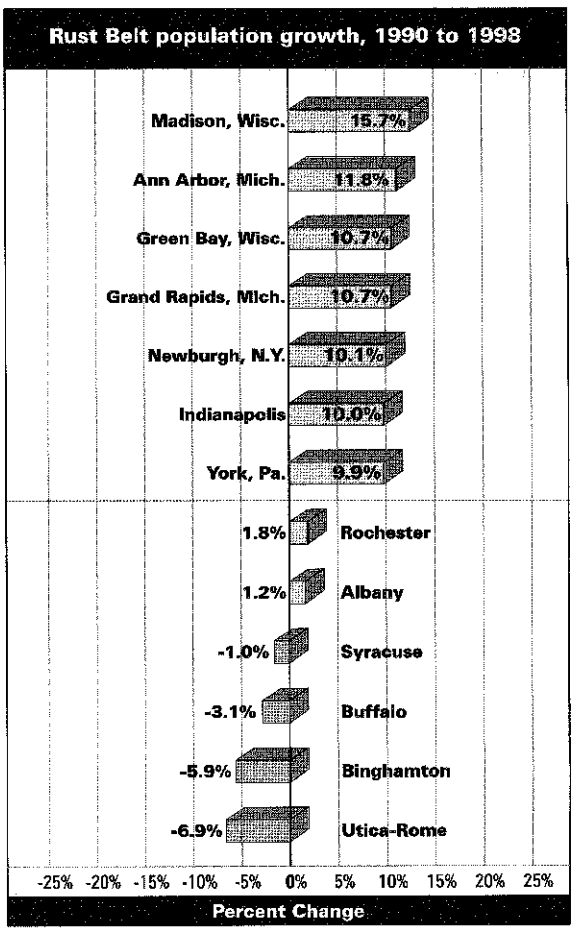
them to pay 6 cents a kilowatt-hour for their electricity, though power cost less than half that at the time. Big utilities wound up with pricey contracts for power they didn't need, and they passed the cost on to consumers. New York's state legislature has also used the utilities as tax collectors, so that roughly one-fifth of an upstate firm's monthly power bill goes to government. As of 1996, New York's utility taxes were twice the national average.

The Empire State's industrial and commercial power rates were double those of Wisconsin in 1998. The rate increases wreak havoc with businesses. Ask Shirley Rogan, who owned a suburban Buffalo convenience store that went under in 1997. "Nobody told us to expect the electric bills we were getting—$3,800 to $4,200 every month," Rogan says. It's yet another reason for upstate firms to leave the state and another disincentive for businesses to come. Here, too, Pataki has accomplished little.

Governor Pataki's response to upstate New York's continuing economic blight is basically to pretend that it doesn't exist. He tends to discuss New York's economy as a whole, thereby using New York City's boom to hide upstate's troubles. "In 1999, our challenge is to manage prosperity," the governor has contended. Similarly, the governor's chief economist, Stephen Kagann, churns out reports accenting whatever positive scraps he can find in upstate's miserable economic statistics.

But there's not much to accent. The Massachusetts forecasting firm Cognetics publishes lists of the "best places in America to start and grow a





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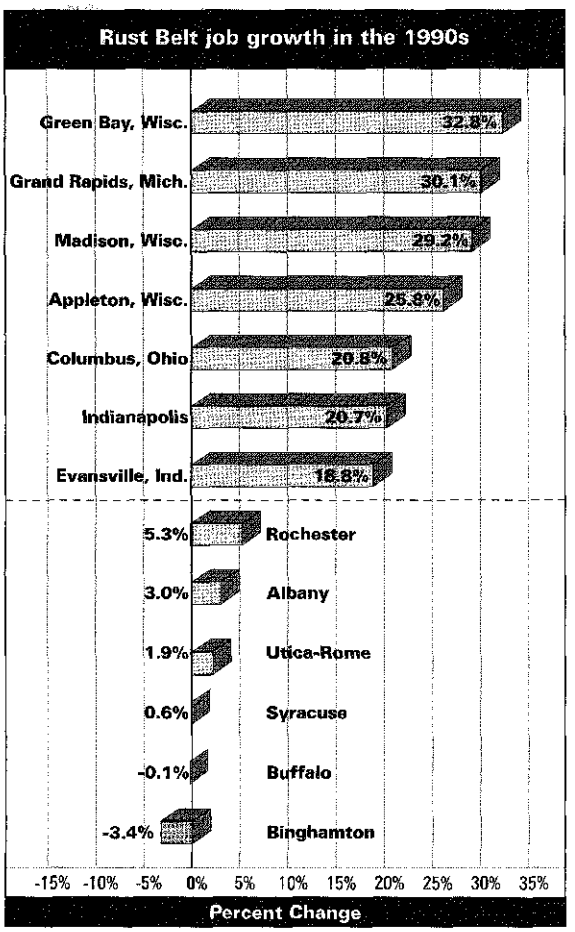
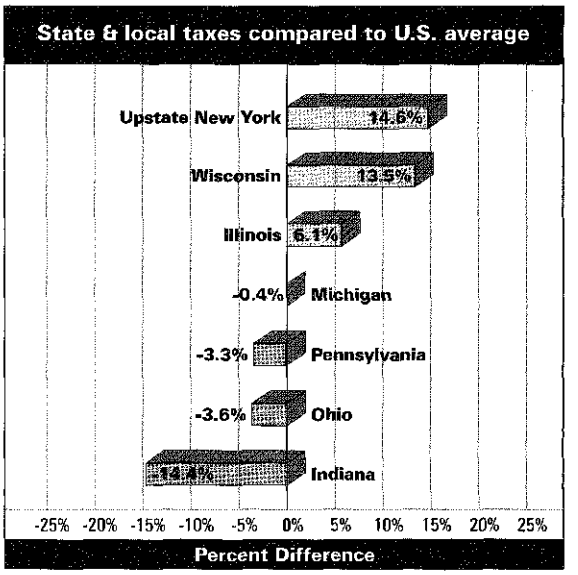
company." The latest look at the nation's 50 largest metro areas shows Buffalo ranking 43rd, Albany 48th, and Rochester 50th. Regional Financial Associates of Philadelphia issues job-growth projections for 316 metro areas. Its July 1999 projections for growth through the year 2003 show Poughkeepsie ranking 202nd—and no other major upstate metro area ranking higher than 291st. In 1998, *Fortune* ranked Buffalo dead last of 75 U.S. and Canadian cities for economic development and employment growth potential.

So what does all this mean for a Senator Hillary Clinton or Senator Rudy Giuliani? A senator can do certain things to help his or her home state. To his credit, New York Senator Charles Schumer has zeroed in on two: he has pushed to bring more airline competition to a region that suffers from some of the highest fares in the U.S., and he's lobbying for federal electric-utility deregulation. But a Senator Clinton or Giuliani could best help upstate by shouting about the region's economic difficulties and shaming state politicians into doing what needs to be done: cutting taxes deeply, restraining spending, and freeing New York businesses from red tape.

State government is where upstate's future will really play out—which means New York needs a governor willing to sacrifice political capital and to take chances, as Engler did in Michigan. By contrast, Pataki has been cautious to the extreme. Perhaps he is just acknowledging political realities: the majority of the state's greedy legislators have no desire to restrain spending or cut taxes. Perhaps he thinks there's only so much he can do when all major policy changes must pass muster with Democratic Assembly Speaker Sheldon Silver, who, amazingly, blames upstate's economic difficulties on lack of government action.

But leadership involves much more than just counting votes. It requires vision, energy, will, and guts. New York voters should look to the rest of the rust belt. There, they'll see something foreign to the Empire State: real state leadership, working wonders. ■





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New York's Unsung Taxi Triumph

Everyone thinks Gotham's taxi system is a prime case of government regulation gone mad. In fact, with the quiet addition of some free-market magic, the system works fine. Here's why.

Howard Husock

Just as the New York cabbie is a stock character of stage and screen, so is the New York taxi-regulation system, with its $275,000 medallion just to put a taxi on the street, cast as the very model of destructive interference with the free market. The stuff of libertarian caricature, the system seems to symbolize perfectly the absurdity of New York's restrictive business climate. But contrary to conventional wisdom, there's a good case to be made that medallion costs that high make sense: they are part of a regulatory system that—believe it or not—makes Gotham the U.S. city best served by for-hire vehicles, including taxis.

The key to this counterintuitive assertion lies in what can be called New York's two-tier taxi system—a small, highly regulated first-tier system for the city's most congested areas, complemented by a minimally regulated second-tier system that has allowed thousands of driver-entrepreneurs to get into the business at a low cost and to provide service to the outlying lower and middle-income neighborhoods that in most big cities go unserved. It is this combination of great and small regulation that makes New York a model that other cities should not scorn but emulate—not least for the economic benefits it can offer the enterprising poor. To be sure, the New York taxi system has flaws that need fixing; but its essential triumph is largely unappreciated.

In order to grasp the virtues of the New York system, it's important to understand that big cities need some sort of taxi regulation, because of the sheer congestion of places like midtown Manhattan and the airports. Without some way to regulate the number of taxis operating in such busy areas—what economists call congestion-pricing—there is potential for chaos. Even a libertarian-leaning economist like Daniel Klein of Santa Clara University, acknowledging that congestion is a serious problem, has proposed a system to auction the right to operate a taxi in congested areas, rather than simply allowing open entry. Klein suggests that cities should auction off "curb rights"—the right to wait at the limited space at curbside—much as airports require airlines to bid for landing slots.

To be sure, New York didn't create its medallion system with such problems in mind: the 1937 Haas Act, which created the medallion system, was a move by taxi owners to stem competition at a time when the Depression-era unemployed were swelling the ranks of drivers. But over time, the medallion system proved to be a reasonable proxy for a full-fledged congestion-pricing and auction scheme. In places as crowded as midtown and lower Manhattan, it's quite possible that an auction for the right to operate a taxi would lead to prices as high as the current $275,000 medallion price. Because of its history, the medallion system may seem arbitrary and capricious—and, in terms of who actually owns medallions, it surely is—but that does not serve to make the case against taxi regulation.

It makes sense for big cities not only to regulate the number of taxis in heavily trafficked neighborhoods but also to regulate taxi fares. After all, it's hard to shop around for the best taxi deal. An out-of-towner might have no idea how much the fare to his destination should be and isn't in a position to do the on-the-spot research to find out. Someone in a hurry (one of the main reasons for taking taxis) has no time to comparison-shop and often would prefer to avoid souk-like bargaining with the driver. Because of this problem of "search cost" (as economists call it), cities are justified in regulating taxi fares—at least insofar as they protect passengers by setting a maximum fare. The same search-cost problem justifies other forms of taxi regulation, too, such as the requirement that

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Today's 12,000-odd yellow medallion cabs barely outnumber the 1940s' cabs, like these above.

taxis be regularly inspected and insured. No passenger wants to invest time in making sure that the cab can make it to the airport.

But to say that some forms of regulation make sense is not the same as saying that most cities do a good job of regulating. Many cities, for example, don't have severe enough congestion problems to justify their existing limitations on the number of cabs. In Indianapolis, for example, when Mayor Stephen Goldsmith replaced the ceiling on taxi licenses with an open-entry system, the number of cabs rose only slightly, from 392 to 435—meaning that the city is sufficiently spread out, and demand is sufficiently limited, that it needed no congestion-

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related regulation. Even Washington, D.C., has long allowed open entry without serious taxi congestion. It's probable, in those relatively uncongested cities that do limit the number of taxis, that existing license holders have used political influence to limit competition.

But most of the congested big American cities that really need a taxi limit—Boston, Chicago, Philadelphia, and San Francisco, for instance—make a crucial regulatory mistake that New York has managed to avoid. They combine the congested downtown and airport markets with the far less congested residential neighborhood markets. The result: drivers cluster downtown and at the airports, leaving the outlying areas unserved. After all, if all taxi drivers are paying for the high cost of the medallion—in New York, up to $2,000 a month in loan costs (if they've borrowed to buy their medallion) or over $100 a day to rent a cab with a medallion—they inevitably will cluster in the parts of town where potential fares are thickest on the ground. They will overlook the low- and middle-income outer areas that surround every downtown—Boston's Dorchester neighborhood, say, or Chicago's West Side—where there is simply not a steady enough stream of riders to justify a driver's time spent cruising.

This is a crucial problem with taxi regulation: a city has no justification for denying uncongested residential and commercial areas taxi service because they happen to be in the same municipal jurisdiction as congested downtown areas. If these outlying neighborhoods were independent suburbs, they would license their own taxis. But because they lie within the city limits, their residents, many of them often poor, must do without.

Cities with innovative governments around the world have addressed this problem. Hong Kong, for instance, has three types of taxi licenses, each for different districts of the city, and it holds auctions for each. The less densely populated the area, the less expensive the license. But though New York's system was not as elegantly designed, it has come to operate on the same theory, leading to the key aspect of New York's taxi success: the neighborhood car service, or livery car. The car service—a radio-dispatched vehicle linked to a cooperatively owned dispatch base that pre-arranges pickups by phone—provides exactly the kind of loosely licensed "taxi" service that lower-income neighborhoods in other cities desperately need.

Such vehicles, as often as not older cars owned by their drivers, first developed informally—and non-legally—in the 1950s, notes Bruce Schaller, former chief analyst for the city's Taxi and Limousine Commission. "The system was not planned," he observes. "It evolved." The licensing system that took shape, legalizing car services, permitted a slow-building boom in outer borough for-hire vehicles, so that today an estimated 30,000 to 33,000 of them ply the streets, complementing the 12,000-plus medallion taxis. Taxis and car services combine to provide New York with by far the largest number of "taxis" of all kinds per person of any U.S. city—and more per person than even Hong Kong and Singapore, always ranked among the world's leading bastions of free enterprise.

The key elements of New York's smart regulatory regime include, first, no limit on the number of for-hire vehicles. Demand, rather than an arbitrary figure, decides how many car-service cars are operating. Second, there's no official minimum fare: a car service can't charge more than a yellow medallion taxi—but it can charge less, allowing drivers to adjust to what lower-income passengers can afford and to vary their fares depending on the time of day or night. Third, there's no age limit for car-service vehicles, in contrast to medallion cabs, which must now be replaced at least every five years. A 1993 Taxi and Limousine Commission survey found that the average car-service vehicle was ten years old, suggesting that entry costs into the business, contrary to the New York stereotype, are relatively low. This policy marks New York as even more laissez-faire than Hong Kong, which imposes the same fare and vehicle requirements on its outer-neighborhood taxis as those in its central core. (That's why a taxi license for the outer ring New Territories is only slightly less expensive—$175,000—than an "urban taxi" license, currently selling for $250,000.) Finally, New York has low licensing charges for car services—only $60 a year for the driver and $275 annually for each vehicle. Dispatch bases pay but $500 a year to register.

The result of these low fees has been a proliferation of small car services. Taxi and Limousine

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Yellow cabs, which long comprised almost the whole taxi industry, now account for less than a third of it.

Commission figures list nearly 500 car-service bases—49 percent of which have 19 cars or fewer. Three-quarters of all the cars are owned by their drivers, the rest by the base owners. Clearly, this is where the taxi entrepreneur can easily start out.

This relatively hands-off city policy is official and explicit. In its literature, the Taxi and Limousine Commission asserts that "the TLC wants to encourage, not discourage, operators to become and remain licensed. Burdensome regulation would thus be counterproductive, especially in light of the competition from unlicensed operators who do not pay insurance, workers compensation and other costs." This is an insight that transcends the taxi and car-service worlds. The TLC has mastered a regulatory paradox: less regulation means more compliance. Limited regulation protects the public, because it keeps the entrepreneur out of the illegal

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economy, where cars would be less likely to be insured or inspected. Greater London offers a notable counterexample: an estimated 50,000 so-called minicabs, the illegal counterparts of New York's car-service vehicles, complement the city's 24,000 licensed cabs. With so big an industry operating outside the law, the city has had a recent problem with minicab driver assaults on passengers.

In addition to protecting the public, limited regulation assists entrepreneurs by making it easy to be legal—and upwardly mobile. How can one get a bank loan for a new small business—such as an expanded car service—if one's income is off the books? Not only would other cities do well to adopt Gotham's loose-tight approach as part of a two-tiered taxi system, but New York would do well to extend its enlightened policy of limited regulation to other entry-level service occupations. Many in-home child-care centers, for instance, remain in the underground economy because they cannot meet difficult-to-afford housing-code and teacher-training standards. No one wants to consign children to unsafe conditions—but neither does one want the best to be the enemy of the good.

The results of the city's relatively minimal car-service regulation are impressive by many measures. TLC figures show that for-hire vehicles serve up to 275,000 riders per day, or 7 percent of trips in New York City by taxi, bus, or subway. Car-service industry revenue rivals that of the yellow medallion-cab industry, yet fares are cheap. And 30,000 vehicles on the street could mean full or part-time employment for twice that many drivers, since many work part-time and each car can be driven for two or even three eight-hour shifts. As a result, too, customers of modest means can do all sorts of things that they might not otherwise be able to do, including getting to work, especially at times or places when other transportation is limited. As the TLC *For-Hire Vehicle Fact Book* puts it: "For-hire vehicle service is a vital part of the transportation network in New York City. They take patrons to doctors, hospitals, stores, places of employment and entertainment, business appointments, the airports, and such special events such as weddings and proms."

Such a picture of economic and social activity is about more than local color. It is an implicit rebuke to those who have imagined that only massive investments in expensive public transit can link the poor, who don't own cars, to employment. (More than half of all New Yorkers do not own cars.) This flourishing industry is part and parcel of the kind of spontaneous economic activity that signals real urban renewal. It's worth noting that neighborhoods like Washington Heights, Crown Heights, Flatbush, and Sunset Park, where immigration has led to renaissance, are also the neighborhoods where car services are most abundant.

All this is not to say that the city's car-service regulation can't be improved. An old Koch administration suggestion that car-service cars be allowed not just to respond to telephone calls, but also to respond to street hails outside the prime medallion-cab district—above 96th Street in Manhattan and throughout the outer boroughs—should at long last become law, regularizing the de facto toleration that prevails today. There is no reason to deny an elderly resident of Harlem or Brooklyn the right to hail a taxi in the rain.

At the same time that it encouraged the boom in neighborhood car services to supplement the medallion taxis and provide service to outlying areas, New York filled another hole in the system. It permitted the growth of the nation's largest upscale limousine service—the fleet of so-called black cars, late-model luxury vehicles that serve midtown and financial-district corporate clients and others willing to pay premium prices for higher-quality service than medallion cabs provide. The black-car phenomenon was, even more than the neighborhood car services, conceived as an explicit way to increase the supply of "taxis" in 1982, despite the fixed number of taxi medallions.

Up to that point, taxi owners were equipping more and more medallion taxis with radios, giving them the option to pre-arrange pickups rather than relying solely on street hails. Increasingly, corporate customers were calling "radio cabs," to the point that up to a quarter of medallion cabs were "on radio call" and not available to be hailed. By requiring the transfer of the radios to a newly licensed limousine trade, at the same time that the number of medallion cabs remained the same—though now available only by street hail—the TLC effectively increased the supply of cabs in the high-

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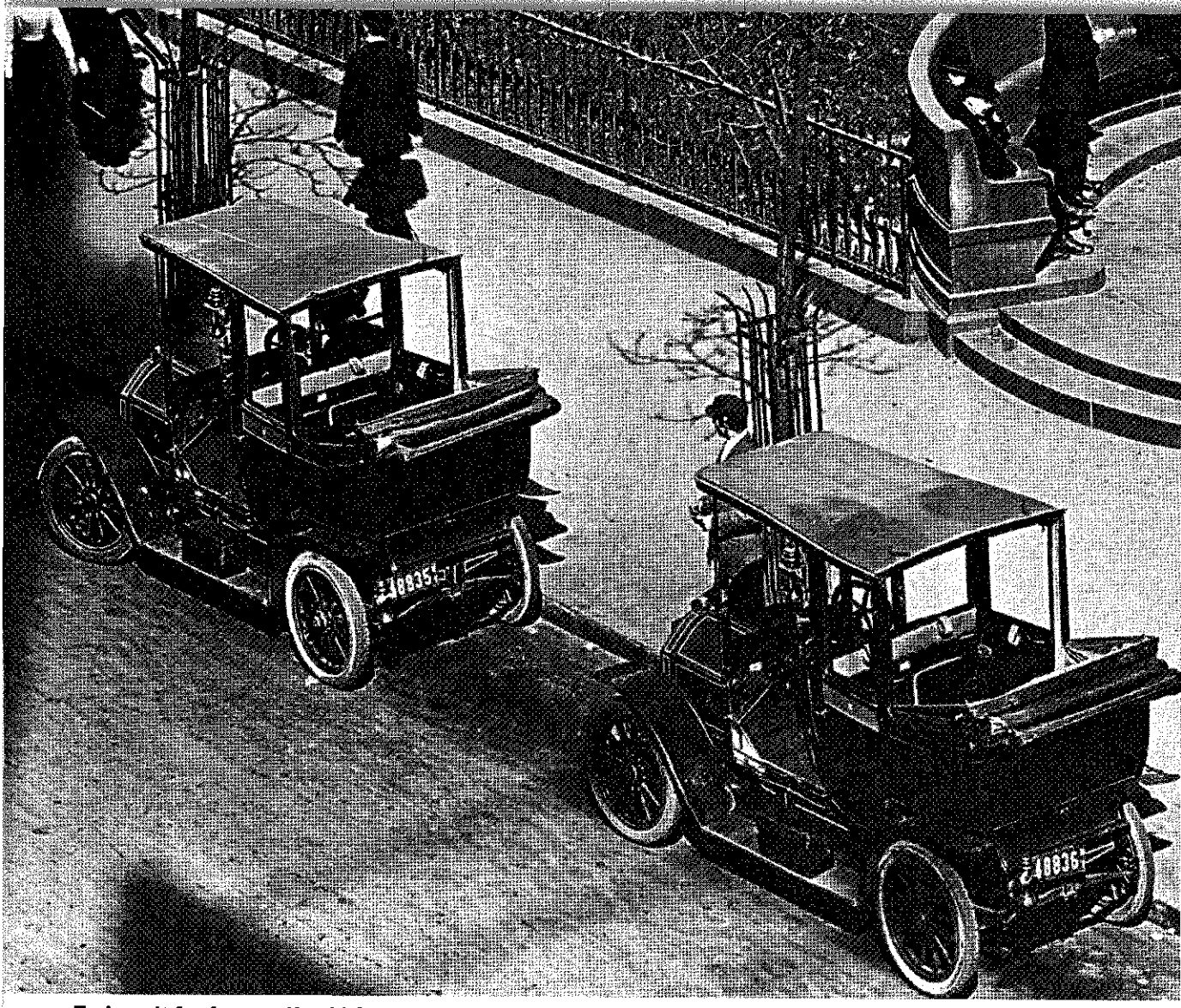

Taxis wait for fares at Herald Square in 1910.

est-demand parts of Manhattan by two-thirds, or 8,000 vehicles, the number of black cars operated today by 45 firms.

Not only has the advent of the black car increased the "taxi" options available to New Yorkers, but it has allowed people to purchase taxi service with greater amenities: the price cap on metered yellow medallion cabs may protect out-of-town customers from price gouging, but it also eliminates any incentive to provide higher-end service. Moreover, the higher prices and pre-arranged nature of their service allow black-car owners to be profitable without ceaselessly driving around, adding to the city's congestion. Black cars have proven to be a way to increase the number of "taxis," in other words, without creating midtown gridlock.

One clear area remains where New York ought to make its already good taxi system even better: it should improve the quality of service provided by many of the drivers of medallion cabs. The service problem stems from the lease system that covers some 60 percent (6,818) of New York's yellow cabs, which are corporate-owned and are hired out to drivers for 12-hour shifts at a time.

The economics of leasing are tough on drivers. Owner-drivers, who operate roughly 40 percent (5,369) of Gotham's yellow cabs, make decent livings, averaging $35,000 a year way back in 1993, according to the latest, if obsolete, TLC figures. Those who bought their medallions for $30,000 or $50,000 long ago and own them free and clear do best; they earn a decent income from driving and, at retirement, can sell the medallion and live off the vast appreciation. Those buying $275,000 medallions today, primarily South Asians, can still do okay, if two partners share the cost of financing the medallion together, and each drives a 12-hour shift daily. The 1993 TLC survey, when medallions

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still cost only $137,000, found that new owner-drivers then averaged $27,000 a year.

But the drivers who lease their cars—either from large fleet owners (2,620 cabs in 28 garages) or from management companies—are the true drones of the taxi world. Prior to 1979, non-owner-drivers simply shared the revenue ("split the meter") with medallion owners, and they received modest fringe benefits. With leasing, however, medallion owners get their payment before the driver goes out onto the street; drivers must pay $100 or more to lease and may clear as little as $20 or $30 per shift after paying for gas. As industry consultant Schaller puts it: "Drivers loathe the leasing system, . . . [which] shifts to [them] all the financial risks created by weather, traffic conditions, variations in taxi demand and in the type of trips garnered in a day." Slack demand or heavy traffic can vaporize a day's profit, creating, says Schaller, "a pressure and strain that drivers feel all day."

Under that pressure, lease drivers are disproportionately involved in accidents; they have a powerful economic incentive to drive aggressively. TLC data have shown that lease drivers incurred 25 rules violations per million miles driven, while new owner-drivers incurred only eight. Given these realities, current TLC head Diane McGrath-McKechnie's crackdown on taxi-driver moving violations—which includes the threat of license revocation—makes good sense, as it does in the case of livery-car drivers, who are also involved in more accidents than the owner-drivers of medallion cabs.

By making it difficult to make much money, leasing makes a large percentage of New York taxi driving into a port-of-entry and quick-departure occupation for new immigrants, who make up 89 percent of new taxi drivers. Turnover, of course, means new drivers not familiar with city geography and the best shortcuts—despite the TLC's training requirements, among the nation's stiffest. No amount of training compensates for experience. As consultant Schaller points out, "experienced drivers violated Taxi and Limousine Commission rules four to five times less often than drivers in their first year." This is no small matter for New Yorkers; Manhattan residents—78 percent of whom do not own cars—hail a cab an average of 100 times annually.

The odds against changing the lease system are long, however. Cab fleet owners, especially the 13 firms with 100 or more taxis, are powerful players in this billion-dollar industry. Government, particularly the City Council (which oversees the TLC), looks out for these mighty economic interests: the *New York Times* reported in July 1998 that Noach Dear, chairman of the Council's Transportation Committee, received some $170,000 in contributions from "taxi and livery interests" over the previous five years, while Council President Peter Vallone received more than $55,000 from them. The fact that medallion prices have gone up 87 percent in real terms since 1979, when the leasing system began, probably reflects not just the growing strength of the local economy but also the profitability of leasing out cabs to an endless stream of new immigrants, who may or may not be safe drivers but who will work for low wages. Fleet owners have even protected themselves from the insurance liabilities such drivers pose: they own their cabs through hundreds of legally

City	Taxis	Other For-Hire Vehicles	Population	FHVs/1000
New York	12,187	41,000 (est.)	7.5 million	7.06
Singapore	15,000	0	3.5 million	5.1
Chicago	6,300	1,200	2.7 million	2.77
Hong Kong	18,000	0	6.5 million	2.7
San Francisco	1,281	273	755,000	2.0
Indianapolis	135	131	757,000	0.74

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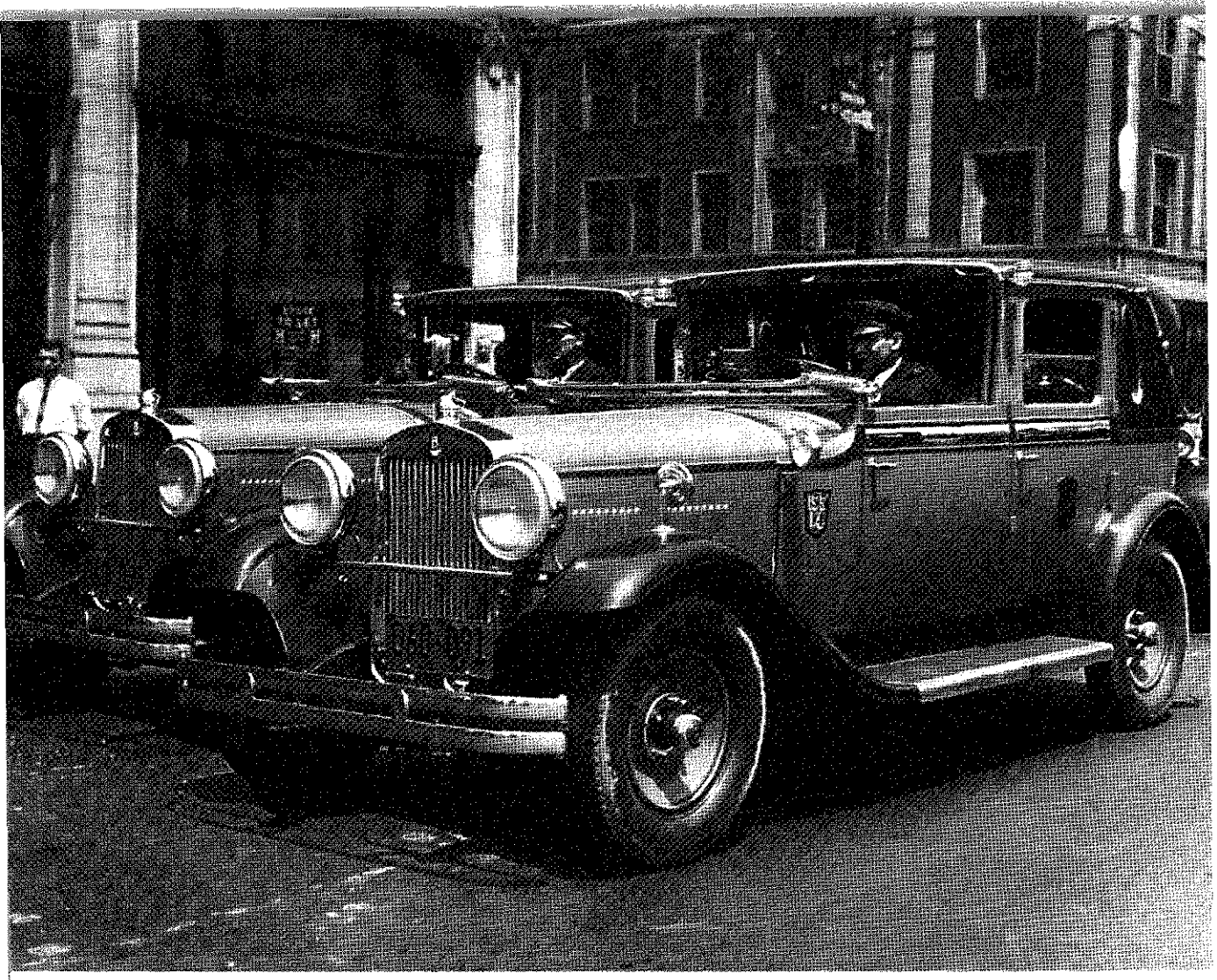

These 1920s' luxury cabs are ancestors of today's "black cars" that supplement the medallion fleet.

separate corporate entities, so a liability judgment against any one of them leaves the assets of the others untouched.

One way to help lease drivers and, indirectly, to protect the public would be to follow San Francisco's lead in imposing a price cap on taxi lease rates, in order to ensure that drivers desperate to pay off medallion owners did not take foolish chances. (The San Francisco lease cap is $83, significantly below the going rate in New York, despite the Bay Area's comparably high cost of living.) In exchange for such a price cap, the city could insist on even more extensive driver training—which, with better-paid, longer-serving drivers at work, could well lead to better-quality drivers providing better service. This is hardly a free-market solution, but arguably it is appropriate in dealing with a government-protected monopoly.

Better still, the city could look for ways to transfer, over time, all medallions into the hands of owner-drivers. This might mean prohibiting resale to anyone but owner-drivers, and requiring that any new owner—even one who inherits a medallion—either drive the cab or sell the medallion to someone who will. Even more radically, the city could consider buying all existing medallions for the price paid by their owners plus some reasonable rate of interest, then offering them anew at auction on terms favoring owner-drivers, in recognition of the better service they provide. Given the political power of current medallion owners, however, such transition schemes are long shots.

But who would have imagined 20 years ago that by the turn of the century, despite the political power of their owners, yellow medallion taxis would make up less than a third of New York's total taxi industry? Even in the most adverse circumstances, if you give free-market forces the slightest opening, they can work wonders. ■

Research for this article was supported by the Brunie Fund for New York Journalism.

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Modern Manhood

Roger Scruton

Feminists have harped and harpied on about the position of women in modern societies. But what about the men? The radical changes in sexual mores, patterns of employment, and domestic life have turned their lives upside down. Men now encounter women not as "the weaker sex" but as equal competitors in the public sphere—the sphere where men used to be in charge. And in the private sphere, where an ancient division of labor once gave guidance to those who crossed its threshold, there is no knowing what strategy will be most effective. Manly gestures—holding open a door for a woman, handing her into an automobile, taking charge of her bags—can spark insulted rejection; displays of wealth, power, or influence are likely to seem ridiculous to a woman who herself has more of them; and the disappearance of female modesty and sexual restraint has made it hard for a man to believe, when a woman yields to his advances, that her doing so is a special tribute to his masculine powers, rather than a day-to-day transaction, in which he, like the last one, is dispensable.

The sexual revolution is not the only cause of men's confusion. Social, political, and legal changes have shrunk the all-male sphere to the vanishing point, redefining every activity in which men once proved that they were indispensable, so that now women can do the job, too—or at any rate appear to do it. Feminists have sniffed out male pride wherever it has grown and ruthlessly uprooted it. Under their pressure, modern culture has downgraded or rejected such masculine virtues as courage, tenacity, and military prowess in favor of more gentle, more "socially inclusive" habits. The advent of in vitro fertilization and the promise of cloning create the impression that men are not even necessary for human reproduction, while the growth of the single-parent household—in which the mother is the only adult, and the state is too often the only provider—has made fatherless childhood into an increasingly common option. These changes threaten to make manhood redundant, and many children now grow up to acknowledge no source of love, authority, or guidance apart from the mother, whose men come and go like seasonal laborers, drifting through the matriarchal realm with no prospect of a permanent position.

The unhappiness of men flows directly from the collapse of their old social role as protectors and providers. For the feminists, this old social role was a way of confining women to the household, where they would not compete for the benefits available outside. Its destruction, they contend, is therefore a liberation—not of women only, but

Western culture's confidence in such manly virtues as courage, tenacity, and military prowess has collapsed.

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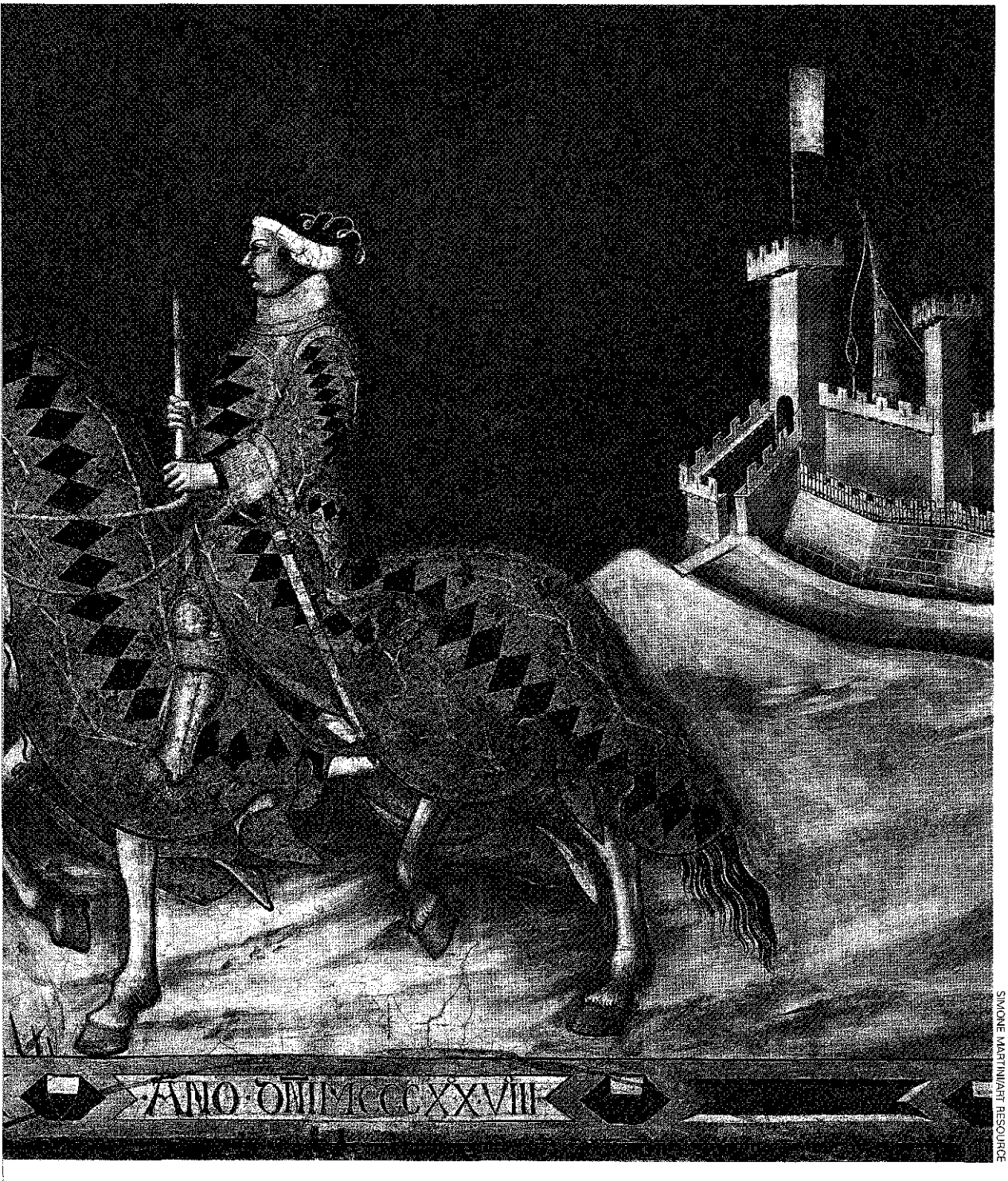
Urbanities



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of men, too, who can now choose whether they wish to assert themselves in the public sphere or whether, on the contrary, they wish to stay at home with the baby (which may very well be someone else's baby). This is the core idea of feminism—that "gender roles" are not natural but cultural, and that by changing them we can overthrow old power structures and achieve new and more creative ways of being.

The feminist view is orthodoxy throughout the American academy, and it is the premise of all legal and political thinking among the liberal elite, which dissidents oppose at peril of their reputations or careers. Nevertheless, a groundswell of resistance to it is gathering force among anthropologists and sociobiologists. Typical is Lionel Tiger, who three decades ago coined the term "male bonding" to denote something that all men need, and that few now get. It wasn't social convention that dictated the traditional roles of man and woman, Tiger suggests; instead, the millions of years of evolution that formed our species made us what we are. You can make men pretend to be less dominant and less aggressive; you can make them pretend to accept a subordinate role in domestic life and a dependent position in society. But deep down, in the instinctual flow of life that is manhood itself, they will rebel. The unhappiness of men, Tiger argues, comes from this deep and unconfessed conflict between social pretense and sexual necessity. And when manhood finally breaks out—as it inevitably will—it is in distorted and dangerous forms, like the criminal gangs of the modern city or the swaggering misogyny of the city slicker.

Tiger sees sex as a biological phenomenon, whose deep explanation lies in the theory of sexual selection. Each of us, he believes, acts in obedience to a strategy built in to our genes, which seek their own perpetuity through our sexual behavior. The genes of a woman, who is vulnerable in childbirth and needs support during years of child-rearing thereafter, call for a mate who will protect her and her offspring. The genes of a man require a guarantee that the children he provides for are his own, lest all his labor be (from the genes' point of view) wasted. Hence nature itself, working through our genes, decrees a division of roles between the sexes. It predisposes men to fight for territory, to protect their women, to drive away rivals, and to strive for status and recognition in the public world—the world where men conflict. It predisposes women to be faithful, private, and devoted to the home. Both these dispositions involve the working out of long-term genetic strategies—strategies that it is not for us to change, since we are the effect and not the cause of them.

The feminists, of course, will have none of this. Biology may indeed assign us a sex, in the form of this or that organ. But much more important than our sex, they say, is our "gender"—and gender is a cultural construct, not a biological fact.

The term "gender" comes from grammar, where it is used to distinguish masculine from feminine nouns. By importing it into the discussion of sex, feminists imply that our sex roles are as man-made and therefore malleable as syntax. Gender includes the rituals, habits, and images through which we represent ourselves to one another as sexual beings. It is not sex but the consciousness of sex. Hitherto, say the feminists, the "gender identity" of women is something that men have imposed upon them. The time has come for women to forge their own gender identity, to remake their sexuality as a sphere of freedom rather than a sphere of bondage.

Taken to extremes—and feminism takes everything to extremes—the theory reduces sex to a mere appearance, with gender as the reality. If, having forged your true gender identity, you find yourself housed in the wrong kind of body, then it is the body that must change. If you believe yourself to be a woman, then you *are* a woman, notwithstanding the fact that you have the body of a man. Hence medical practitioners, instead of regarding sex-change operations as a gross violation of the body and indeed a kind of criminal assault, now endorse them, and in England the National Health Service pays for them. Gender, in the feminists' radical conception of it, begins to sound like a dangerous

Marriage was once permanent and safe.

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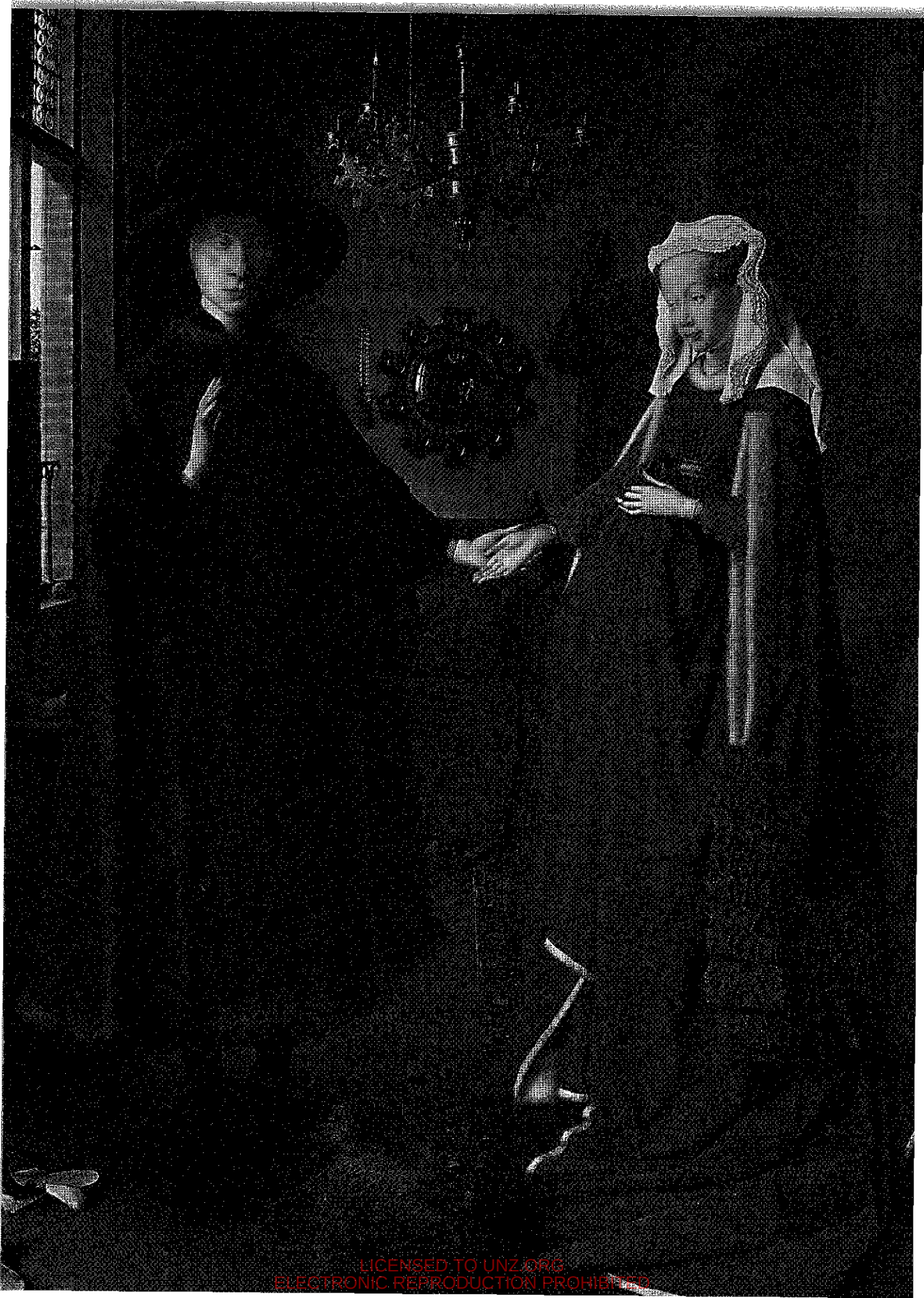

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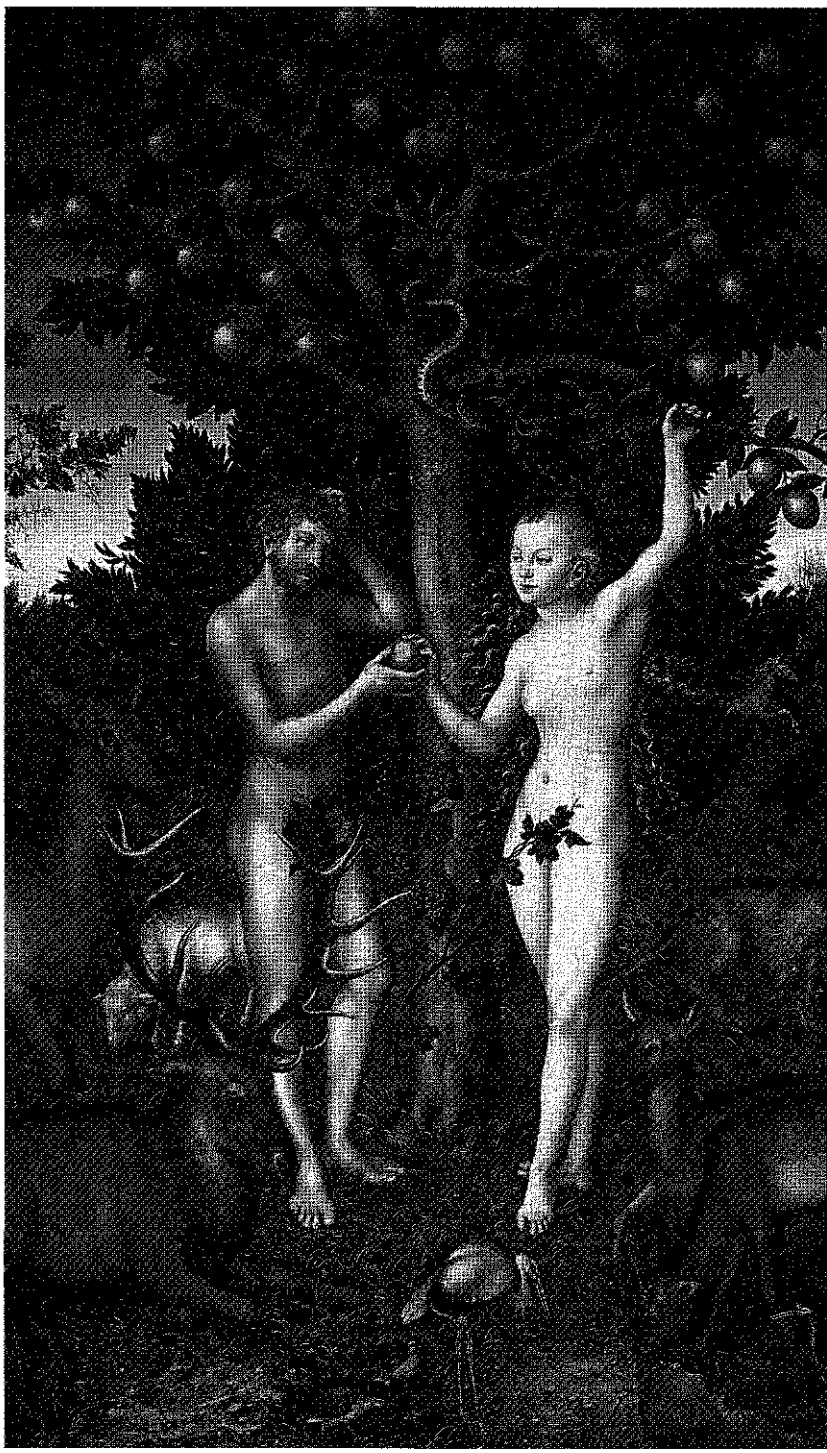
fantasy, rather like the genetic theories of Lysenko, Stalin's favorite biologist, who argued that acquired characteristics could be inherited, so that man could mold his own nature with almost infinite plasticity. Perhaps we should replace the old question that James Thurber put before us at the start of the sexual revolution with a new equivalent: not "Is Sex Necessary?" but "Is Gender Possible?"

In a certain measure, however, the feminists are right to distinguish sex from gender and to imply that we are free to revise our images of the masculine and the feminine. After all, the sociobiologists' argument accurately describes the similarities between people and apes, but it ignores the differences. Animals in the wild are slaves of their genes. Human beings in society are not. The whole point of culture is that it makes us something more than creatures of mere biology and sets us on the road to self-realization. Where in sociobiology is the self, its choices and its fulfillment? Surely the sociobiologists are wrong to think that our genes alone determined the traditional sex roles.

But just as surely are the feminists wrong to believe that we are completely liberated from our biological natures and that the traditional sex roles emerged only from a social power struggle in which men were victorious and women enslaved. The traditional roles existed in order to humanize our genes and also to control them. The masculine and feminine



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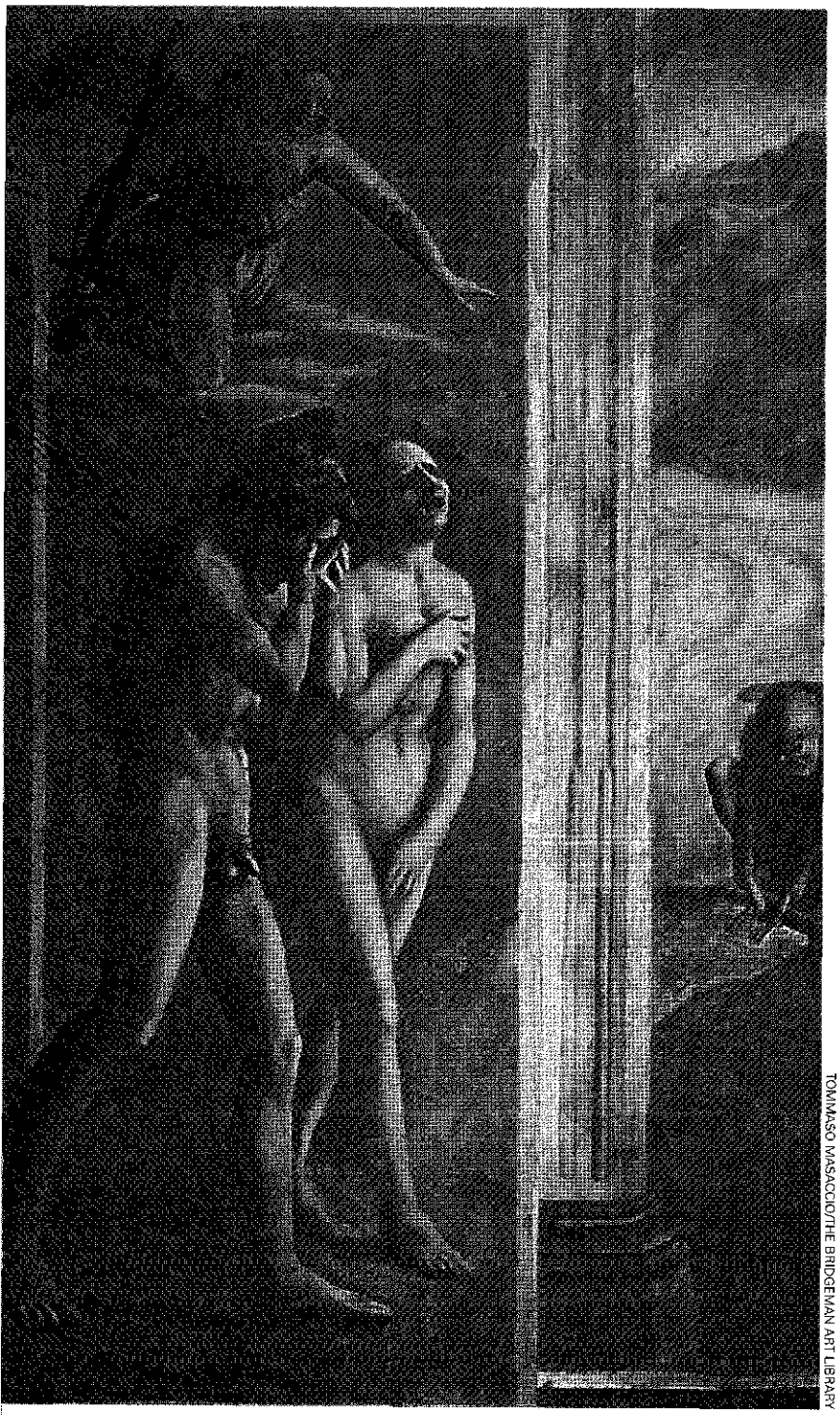

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Young people hear with great sighs of relief that the sexual revolution may have been a mistake.

were ideals, through which the animal was transfigured into the personal. Sexual morality was an attempt to transform a genetic need into a personal relation. It existed precisely to stop men from scattering their seed through the tribe, and to prevent women from accepting wealth and power, rather than love, as the signal for reproduction. It was the cooperative answer to a deep-seated desire, in both man and woman, for the "helpmeet" who will make life meaningful.

In other words, men and women are not merely biological organisms. They are also moral beings. Biology sets limits to our behavior but does not dictate it. The arena formed by our instincts merely defines the possibilities among which we must choose if we are to gain the respect, acceptance, and love of one another. Men and women have shaped themselves not merely for the purpose of reproduction but in order to bring dignity and kindness to the relations between them. To this end, they have been in the business of creating and re-creating the masculine and the feminine ever since they realized that the relations between the sexes must be established by negotiation and consent, rather than by force. The difference between traditional morality and modern feminism is that the first wishes to enhance and to humanize the

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difference between the sexes, while the second wishes to discount or even annihilate it. In that sense, feminism really is against nature.

Yet at the same time, feminism seems an inevitable response to the breakdown of the traditional sexual morality. People readily accepted the traditional roles when honor and decency sustained them. But why should women trust men, now that men are so quick to discard their obligations? Marriage was once permanent and safe; it offered the woman social status and protection, long after she ceased to be sexually attractive. And it provided a sphere in which she was dominant. The sacrifice permanent marriage demanded of men made tolerable to women the male monopoly over the public realm, in which men competed for money and social rewards. The two sexes respected each other's territory and recognized that each must renounce something for their mutual benefit. Now that men in the wake of the sexual revolution feel free to be serially polygamous, women have no secure territory of their own. They have no choice, therefore, but to capture what they can of the territory once monopolized by men.

It was one of the great discoveries of civilization that men do not gain acceptance from women by brashly displaying their manhood in aggressive and violating gestures. But they do gain acceptance by being gentlemen. The gentleman was not a person with feminine gender and masculine sex. He was through and through a man. But he was also gentle—in all the senses of that lucent word. He was not belligerent but courageous, not possessive but protective, not aggressive to other men but bold, even-tempered, and ready to agree on terms. He was animated by a sense of honor—which meant taking responsibility for his actions and shielding those who depended on him. And his most important attribute was loyalty, which implied that he would not deny his obligations merely because he was in a position to profit from doing so. Much of the anger of women toward men has come about because the ideal of the gentleman is now so close to extinction. Popular entertainment has only one image of manhood to put before the young: and it is an image of untrammeled aggression, in which automatic weapons play a major part, and in which gentleness in whatever form appears as a weakness rather than as a strength. How far this is from those epics of courtly love, which set in motion the European attempt to rescue manhood from biology and reshape it as a moral idea, needs no elaboration.

It was not only the upper classes that idealized the relation between the sexes or moralized their social roles. In the working-class community from which my father's family came, the old mutuality was part of the routine of domestic life, encapsulated in recognized displays of masculine and feminine virtue. One such was the Friday-night ritual of the wage packet. My grandfather would come home and place on the kitchen table the unopened envelope containing his wages. My grandmother would pick it up and empty it into her wallet, handing back two shillings for drink. Grandfather would then go to the pub and drink himself into a state of proud self-assertion among his peers. If women came to the pub they would linger in the doorway, communicating by messenger with the smoke-filled rooms inside but respecting the threshold of this masculine arena as though it were guarded by angels.

My grandfather's gesture, as he laid down his wage packet on the kitchen table, was imbued with a peculiar grace: it was a recognition of my grandmother's importance as a woman, of her right to his consideration and of her value as the mother of his children. Likewise, her waiting outside the pub until closing time, when he would be too unconscious to suffer the humiliation of it, before transporting him home in a wheelbarrow, was a gesture replete with feminine considerateness. It was her way of recognizing his inviolable sovereignty as a wage earner and a man.

Courtesy, courtliness, and courtship were so many doors into the court of love, where human beings moved as in a pageant. My grandparents were excluded by their proletarian way of life from all other forms of courtliness, which is why this one was so important. It was their opening to an enchantment

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that they could obtain in no other way. My grandfather had little to recommend him to my grandmother, other than his strength, good looks, and manly deportment. But he respected the woman in her and played the role of gentleman as best he could whenever he escorted her outside the home. Hence my grandmother, who disliked him intensely—for he was ignorant, complacent, and drunk, and stood across the threshold of her life as an immovable obstacle to social advancement—nevertheless loved him passionately as a man. This love could not have lasted, were it not for the mystery of gender. My grandfather's masculinity set him apart in a sovereign sphere of his own, just as my grandmother's femininity protected her from his aggression. All that they knew of virtue they had applied to the task of remaining to some measure mysterious to each other. And in this they succeeded, as they succeeded in little else.

A similar division of spheres occurred throughout society, and in every corner of the globe. But marriage was its pivotal institution, and marriage depended upon fidelity and sexual restraint. Marriages lasted not only because divorce was disapproved of but also because marriage was preceded by an extended period of courtship, in which love and trust could take root before sexual experiment. This period of courtship was also one of display, in which men showed off their manliness and women their femininity. And this is what we mean, or ought to mean, by the "social construction" of gender. By playacting, the two partners readied themselves for their future roles, learning to admire and cherish the separateness of their natures. The courting man gave glamour to the masculine character, just as the courting woman gave mystery to the feminine. And something of this glamour and mystery remained thereafter, a faint halo of enchantment that caused each to encourage the other in the apartness that they both admired.

The Taming of the Shrew and *Romeo and Juliet*, Jane Austen and George Eliot, Henry James and Charlotte Brontë, all have matchlessly described all that, as has D. H. Lawrence (in its lower-class version) in his stories. This literature shows what is missing from sociobiology. Marriage does not merely serve the reproductive strategies of our genes; it serves the reproductive need of society. It also serves the individual in his pursuit of a life and fulfillment of his own. Its capacity for ordering and sanctifying erotic love goes beyond anything required by our genes. As our Enlightenment morality rightly insists, we are also free beings, whose experience is through and through qualified by our sense of moral value. We do not respond to one another as animals but as persons—which means that, even in sexual desire, freedom of choice is essential to the aim. The object of desire must be treated, in Kant's famous words, not as a means only, but as an end. Hence true sexual desire is desire for a person, and not for sex, conceived as a generalized commodity. We surround the sexual act with constraints and interdictions that are in no way dictated by the species, precisely so as to focus our thoughts and desires on the free being, rather than the bodily mechanism. In this we are immeasurably superior to our genes, whose attitude to what is happening is, by comparison, mere pornography.

Even when the sacramental view of marriage began to wane, mankind still held erotic feelings apart, as things too intimate for public discussion, which could only be soiled by their display. Chastity, modesty, shame, and passion were part of an artificial but necessary drama. The erotic was idealized, in order that marriage should endure. And marriage, construed as our parents and grandparents construed it, was both a source of personal fulfillment and the principal way in which one generation passed on its social and moral capital to the next.

It was that vision of marriage, as a lifelong existential commitment, that lay behind the process of "gender construction" in the days when men were tamed and women idealized. If marriage is no longer safe, however, girls are bound to look elsewhere for their fulfillment. And elsewhere means the public sphere—for it is a sphere dominated by strangers, with clear rules and procedures, in which you can defend yourself from exploitation. The advantage of inhabiting this sphere needs no explaining to a girl whose abandoned mother lies

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grieving upstairs. Nor do her experiences at school or college teach her to trust or respect the male character. Her sex-education classes have taught her that men are to be used and discarded like the condoms that package them. And the feminist ideology has encouraged her to think that only one thing matters—which is to discover and fulfill her true gender identity, while discarding the false gender identity that the "patriarchal culture" has foisted upon her. Just as boys become men without becoming manly, therefore, so do girls become women without becoming feminine. Modesty and chastity are dismissed as politically incorrect; and in every sphere where they encounter men, women meet them as competitors. The voice that calmed the violence of manhood—namely, the female call for protection—has been consigned to silence.

Just as the feminine virtues existed in order to make men gentle, however, so manliness existed in order to break down the reserve that caused women to withhold their favors until security was in sight. In the world of "safe sex," those old habits seem tedious and redundant. In consequence, there has arisen another remarkable phenomenon in America: the litigiousness of women toward the men they have slept with. It seems as though consent, offered so freely and without regard for the preliminaries once assumed to be indispensable, is not really consent and can be withdrawn retroactively. The charges of harassment or even "date rape" lie always in reserve. The slap in the face that used to curtail importunate advances is now offered after the event, and in a far more deadly form—a form no longer private, intimate, and remediable, but public, regimented, and with the absolute objectivity of law. You might take this as showing that "safe sex" is really sex at its most dangerous. Maybe marriage is the only safe sex that we know.

When Stalin imposed Lysenko's theories upon the Soviet Union, as the "scientific" basis of his effort to re-mold human nature and form it into the "New Soviet Man," the human economy continued, hidden away beneath the mad imperatives of the Stalinist state. And a black sexual economy persists in modern America, which no feminist policing has yet succeeded in stamping out. Men go on taking charge of things, and women go on deferring to the men. Girls still want to be mothers and to obtain a father for their children; boys still want to impress the other sex with their prowess and their power. The steps from attraction to consummation may be short, but they are steps in which the old roles and the old desires hover at the edge of things.

Hence nothing is more interesting to the visiting anthropologist than the antics of American college students: the girl who, in the midst of some foulmouthed feminist diatribe, suddenly begins to blush; or the boy who, walking with his girlfriend, puts out an arm to protect her. The sociobiologists tell us that these gestures are dictated by the species. We should see them, rather, as revelations of the moral sense. They are the sign that there really is a difference between the masculine and the feminine, over and above the difference between the male and the female. Without the masculine and the feminine, indeed, sex loses its meaning. Gender is not just possible, but necessary.

And here, surely, lies our hope for the future. When women forge their own "gender identity," in the way the feminists recommend, they become unattractive to men—or attractive only as sex objects, not as individual persons. And when men cease to be gentlemen, they become unattractive to women. Sexual companionship then goes from the world. All that it needs to save young people from this predicament is for old-fashioned moralists to steal unobserved past their feminist guardians and whisper the truth into eager and astonished ears—the truth that gender is indeed a construct, but one that involves both sexes, acting in mutual support, if it is to be built successfully. In my experience, young people hear with great sighs of relief that the sexual revolution may have been a mistake, that women are allowed to be modest, and that men can make a shot at being gentlemen.

And this is what we should expect. If we are free beings, then it is because, unlike our genes, we can hear the truth and decide what to do about it. ■

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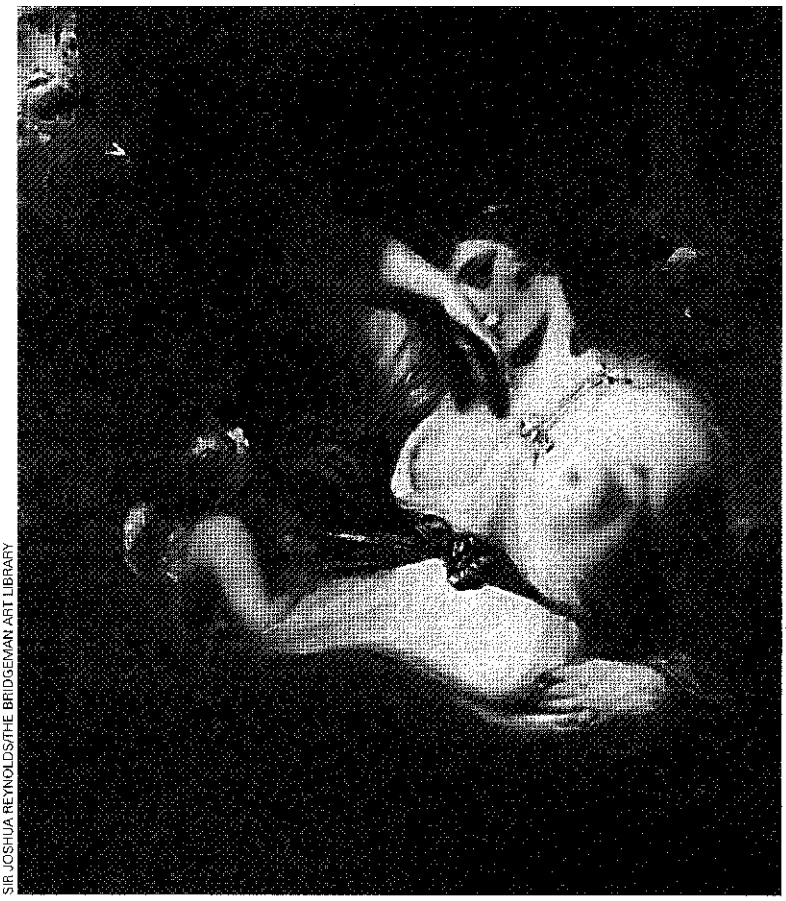
Sex, Sadness, and the City

Wendy Shalit



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If you've heard the hype for HBO's hit comedy series *Sex and the City*, you might have assumed that the show celebrates the wonders of sexual liberation for Manhattan single women. Mimi Avins of the *Los Angeles Times* gushes that "the smart women of 'Sex and the City' aren't afraid of their femininity or their appetites," and Mike Duffy writes in the *Detroit Free Press* that the show proves that "smart girls just want to have fun, too." *Newsweek* reports that "'Sex and the City' shows us single women who are anything but desperate. They're looking for men, sure, but it's just shopping, not survival. . . . They're well-dressed, well paid and sexually gratified. . . . As our favorite TV foursome prowls through New York hunting down new men and discarding the old ones like last year's Prada bags, they reinforce this fact: women who make their own money don't have to depend on a man, and they don't have to settle. . . . The women of 'Sex and the City' sleep with whomever they want, max out their credit cards and never have to worry about play-dates or carpools. And they *know* their married friends aren't having any fun at all."

Is this why the show's second season, which ends this month, garnered more viewers than ever—plus Emmy nominations for outstanding comedy series? Is this why offices everywhere in America are abuzz with opinions on every episode?

According to the ads for the show, yes. From atop her martini-glass perch on subways everywhere, Sarah Jessica Parker, the lovely leading lady of *Sex and the City*, stares lustily at New Yorkers, as she shows them her naked back—though on the paperback cover of *Sex and the City*, a collection of the *New York Observer* columns by Candace Bushnell that sparked the HBO series, Parker is entirely naked, with only a computer as a fig leaf. In all ads she sports the same unsentimental, self-satisfied expression. An observer could only assume that Parker's character Carrie must be awfully pleased with her state of undress and with her enthusiastic participation in New York's sexual scene.

And yet, she isn't. Despite the hype, *Sex and the City* is not about girls who just want to have fun, flaunting their sexual appetites. While promoters offer the show as one more brave step in the sexual liberation of women, leading to ever

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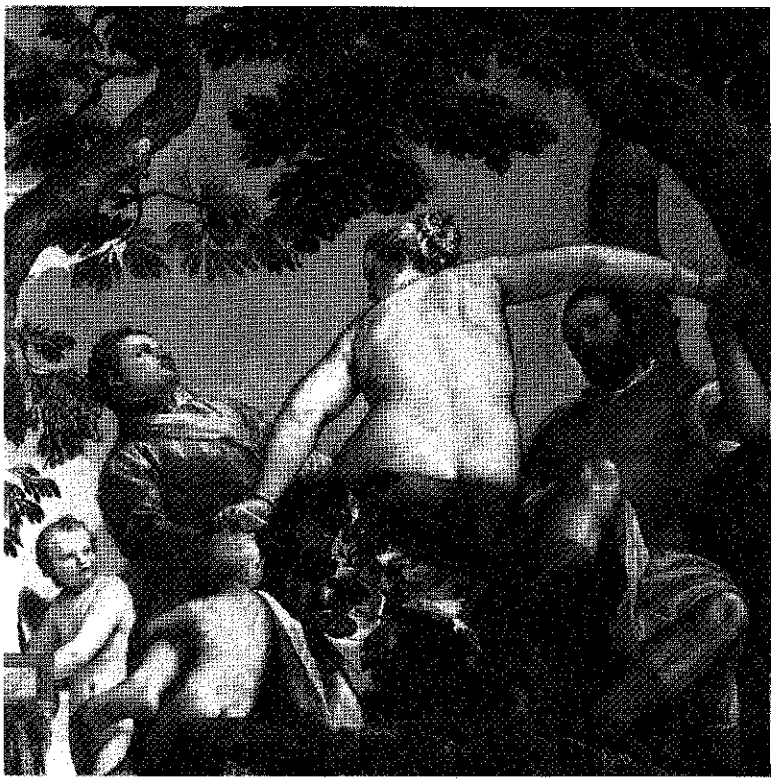
greater fulfillment, in fact it is a lament for all the things of inestimable value that the sexual revolution has wrecked, in this city and beyond. If Candace Bushnell were a practicing Catholic, she couldn't have produced a more effective proselytizing tool for continence and modesty.

The TV show follows the life of New York sex-columnist Carrie, as she tries to find Mr. Right. Until he shows up, Carrie dates Mr. Big (Chris Noth), a fickle 42-year-old who sleeps with her regularly but won't let her leave any of her clothes in his apartment. Her single, mid-thirties friends, PR executive Samantha (Kim Cattrall), art dealer Charlotte (Kristin Davis), and corporate lawyer Miranda (Cynthia Nixon), are all equally unsuccessful in searching for a lifelong mate.

This season's opening episode finds Carrie dating the newest Yankee ballplayer. She recently broke up with Mr. Big for not being able to "commit" to her, and she is hoping to make him jealous. All she accomplishes, though, is to burst into a flood of tears when the new Yankee tries to kiss her. "I'm sorry; this is really embarrassing," Carrie stammers. "I just cried in your mouth. I'm not ready!" Then she commiserates with her friends: "I saw Big, and I completely fell apart!" Everyone is sympathetic.

When she is among her girlfriends, Carrie sarcastically dismisses the possibility of love ("Yeah, love, whooo!"), but



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when left alone she broods over her miserable romantic history: "Ten years play in New York, countless dates, five real relationships, one serious, all ending in breakups. If I were a ballplayer, I'd be batting, uh . . . whatever really bad is." Catching a fly ball, she concludes bitterly, seems more likely than catching a relationship that endures.

After dating a bunch of men who turn out to be "freaks," including "the man with no soul" and "the man with two faces," Carrie begins to wonder whether all men are freaks. "Apparently," she observes, "the men in the dating world had devolved since the last time I visited." She finally summons up the courage to ask a man directly, but conversationally, "So, when did you guys all become freaks?"

"Us?" he replies, confused. It's the women who are "bizarre."

Though we are meant to conclude that the sexual free-for-all is bringing out the worst in both men and women, Carrie still hopes for more. She wistfully muses that Manhattan was once, "for millions of our forefathers, the gateway to hope, opportunity, and happiness beyond their wildest dreams. Today that hope is still alive: it's called the first date. On Saturday night every restaurant in lower Manhattan resembles its own little Ellis Island: hordes of single women crowded into a hot, cramped space, and hoping

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to make it to their final destination, matrimony."

In the next episode, Carrie reunites with Big, and he magnanimously allows her to leave a toothbrush at his apartment. Actually, it's not a whole toothbrush—merely a second toothbrush attachment head for *his* electric toothbrush, but to Carrie this concession signals victory. Big must be getting ready to marry her very soon.

As the season develops, Carrie experiences some setbacks: a friend asks her to write a poem about love for her wedding, but, since Carrie only knows about sex, she has a tough time summoning enough poetic inspiration. At last she produces something she is proud of, only to see Big walk out of the ballroom and take a cell phone call during her recitation. As if that weren't bad enough, he even refuses to sign a card for the wedding present Carrie has bought (that would require too much commitment on his part). Hurt, but endlessly accommodating, Carrie goes home with him anyway.

Encouraged by Big's awarding her that toothbrush head, Carrie strategically tries to leave some of her personal belongings at his apartment. She has little success—he returns all the items the next day—and by the season's end, Big moves to Paris, without bothering to tell her of his plans until just before he leaves. Carrie offers to follow him, but when he explains that he is no more likely to marry her in Paris than in New York, she furiously resolves never to see him again. Not long after, she starts sleeping with other men again.

She pauses only occasionally to wonder whether she is being true to herself, if she is faking more than just her hair color and bra size: "And then I had a frightening thought. Maybe I was the one who was faking it . . . all these years faking to myself that I was happy being single."

Carrie is the most monogamous of the four women. It's hard to say which of her friends takes the prize for promiscuity, all of them having for the most part given up on the idea of having one boyfriend. Charlotte, the brunette art dealer, sleeps with men she doesn't particularly like, just to get things done around the house. As for the men she does care for, she gives them presents they usually reject: "Whoa, too fast," one exclaims to Charlotte: "Next you move in, and then you hate my music!"

Perhaps this is why, in the second episode of the season, Charlotte gets a puppy as a man replacement: "Charlotte came home to the new male in her life," Carrie's voice-over explains. "Fed up with lonely mornings, cuddle-free nights, and the lack of unconditional love she so longed for, Charlotte decided to take matters in her own hands. She combed the city for the perfect specimen of breeding, style, and trendiness . . . Henry, the perfect dog."

While Carrie is reciting her wedding poem, Charlotte is "hooking up" with a man she just met at the wedding. When he behaves boorishly after sleeping with her, Charlotte is astonished: "Did the last four and a half hours mean *nothing* to you?" she screams at him across the floor.

Consistently, *Sex and the City* derides women who impulsively jump into bed and then complain about men's bad character. The women in the show, it is clear, have given up the opportunity to get to know these men better. When they don't like what they end up with, you'd think they'd become more discriminating. But they never do.

Pushing 40, blonde PR executive Samantha is the most cynical of the four girlfriends. She instructs the other women that "we're all alone, even when we're with men. My advice to you is to embrace that fact, slap on some armor, and go through life like I do, enjoying men!" Yet later on, even sophisticated Samantha gets duped by a club owner, who misleads her about their future together. William promises Sam he'll invite her to East Hampton for the summer, only to stand her up at their second date. Samantha waits for him "without a book, or a project, or any of her dining-alone armor." William, we are told bitterly, was "one of those men who faked a future to get what he wanted in the present." She bursts into tears and flees the restaurant. "I can't believe I fell

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for some guy's line," she cries to her buddies. "But sometimes you need to hear a 'we.'"

Still, this epiphany doesn't stop Samantha from sleeping with yet another man she just met. But she stops in mid-embrace and declares, "Wait, I've slept with you before!" "Sure," her partner agrees, "15 years ago." "Well, why didn't you *say* anything?"

Oh, no, Samantha thinks to herself—now she's slept with all the men in Manhattan. Her solution is to hatch a big revenge plan. [See "How We Mate," Summer 1999.] Her plan, aimed not only at one particular ex but at men in general, is to seduce a man who dumped her, have him fall in love with her again, and then she will dump him before they sleep together.

Unfortunately, Samantha is so distracted by her own feelings for him that she ends up going to bed with him anyway. Her plan completely falls apart when, before she can dump her ex, he dumps her for the second time. In this game, emotions put one at a competitive disadvantage. As the narrator of *Sex and the City* explains, "Samantha hadn't evolved past having feelings."

Miranda is the most feminist of the four, a redheaded corporate lawyer who often flounces off, disgusted with her girlfriends for talking about guys all the time. "How does it happen that four such women have nothing to talk about, other than boyfriends?" She goes for a walk, only to overhear women crying: "And I really thought he liked me, so why didn't he call me?" All the women around her seem to be falling apart. But when Miranda sees her ex-boyfriend on the street, she, too, loses all composure and hides from him. "After two years, . . . I had forgotten how hard it is."

Miranda sleeps around just as much as the rest of the girls, but her most inspired act this season is buying her own apartment. She is reluctant to check the single-woman box on the mortgage documents, though, and she is troubled by the fact that the previous owner, a single woman, had died in the apartment. Her body was not found for a week, and a horrible rumor has it that her cat ate half her face.

Miranda frets all the more when she learns that she has a "lazy" ovary and might never have a baby, but when she does come across men who are genuinely nice—maybe nice enough to be a husband and father—it turns out that she has become too cynical to love them. After Miranda has a one-night stand with a bartender, she is puzzled to hear him say afterward, "That was really special."

"Sure," she replies.

"Can I get your phone number?" he inexplicably continues.

"Why?" she asks.

"So I can ask you for a date," he explains.

Miranda's voice is thick with sarcasm as she tells him, "You don't have to make believe you're going to call."

He finally leaves and encourages her to "stop by at the bar sometime."

"Yeah, great sex. Whatever." She waves him away.

A few days later, the bartender shows up at her apartment and tells her, "I like you."

Still suspicious, Miranda replies, "Translation: 'I think you're an easy lay and I'd like to have sex again.'"

He protests that he doesn't mean that at all and wants to take her to dinner.

Miranda explains her philosophy: "I can't have dinner with you; I don't even know you!"

"But you slept with me!"

"That's a different thing."

"Can you maybe think for a second that the other night was special?"

"No. Maybe I slept with too many bartenders."

So during half of the *Sex and the City* episodes, the women complain about insensitive men; for the other half, they coach themselves to imitate such men. The result is that by the time the sensitive men appear on the scene, the women have become insensitive, too, and incapable of appreciating them.

This portrayal couldn't be more timely. Susan Faludi, the popular feminist who penned *Backlash* in 1991, has just released *Stiffed*, a book about the "betrayal of American men." In this almost conservative and almost honest critique of the culture, Faludi decries our current mores, which encourage men to "score" with many women instead of providing for one. Our notions of manhood were much healthier, she argues, before World War II.

As for why our masculine ideal has changed for the worse,

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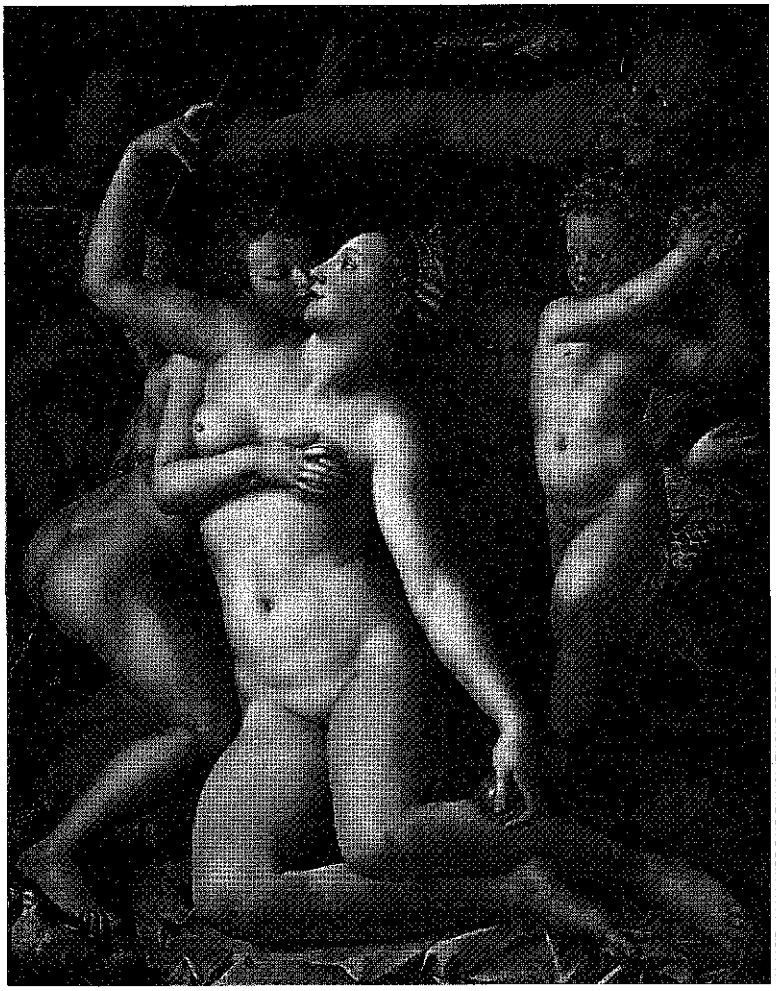

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Faludi offers no compelling explanation. The missing piece of her otherwise accurate assessment is precisely what she is not permitted to say, or her feminist sisters would burn her in effigy: in an era of free sexual favors, women no longer demand that men commit to them, and our no-fault-divorce society doesn't back them up when they do.

One of the reasons the critics have misunderstood *Sex and the City* is that it features frank sexual banter and women who swear just as much, and are just as crude as, the men. On the surface, this seems like a nod to equality, but not when you appreciate what these girls are all swearing *at*. To be sure, the girls bitterly deconstruct their ex- and current boyfriends' sexual techniques and bodies, but only after their hearts have been broken. Miranda, for instance, refers to her ex-boyfriend as "that asshole I dated a couple of years ago," but then Carrie's voice-over explains, "Miranda used to call Eric the love of her life, until he left her for another woman."

The constant hostility the men and women feel for one another is palpable. The women say, "I can't believe the prick hasn't called." The men announce that they're "just getting over the bitch who broke my heart." Women who aren't pretty are of no use whatever to these men and receive scarcely human treatment. "Do you ever shut the f—k up?" one male character asks such a woman, with typical brutality. For all the frantic coupling, no one seems to be having any fun.

Welcome to the Age of Un-Innocence, as Candace Bushnell put it in her original *Sex and the City* column. "The glittering lights of Manhattan that served as backdrops for Edith Wharton's bodice-heaving trysts are still glowing—but the stage is empty. No one has breakfast at Tiffany's, and no one has affairs to remember—instead, we have breakfast at 7 AM and affairs we try to forget as quickly as possible. How did we get into this mess?"

What went wrong, plainly, is that women confused sexual sameness with equality and imagined that competing with men in debauchery was part of their social emancipation. The early feminists never wanted to give up their moral power, and that's why they argued strongly against promiscuity.

In her column, Candace Bushnell presents Samantha as a "New York inspiration," a model of the kind of woman who could survive in such a ferocious

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sexual landscape. And what does life offer Samantha? "If you're a successful single woman in this city," Bushnell writes, "you have two choices: You can beat your head against the wall trying to find a relationship, or you can say 'screw it' and just go out and have sex like a man." Samantha opts to have sex "like a man," and Bushnell's other women emulate her. But the results aren't much better than beating your head against the wall. "I think I'm turning into a man," says Carrie, describing how, after a recent sexual tryst, she didn't feel anything.

"Well, why the hell should you feel anything?" someone else asks. "Men don't. I don't feel anything after I have sex. Oh sure, I'd like to, but what's the point?"

"We all sat back smugly, sipping tea, like we were members of some special club," Bushnell writes of her unfeeling foursome. "We were hard and proud of it, and it hadn't been easy to get to this point—this place of complete independence where we had the luxury of treating men like sex objects. It had taken hard work, loneliness, and the realization that, since there might never be anyone there for you, you had to take care of yourself."

The publicists and pundits may not get it, but Candace Bushnell and producer Darren Star of the *Sex and the City* TV show understand in their heart of hearts the failure of sexual liberation. That's why all the story lines keep returning to the unhappiness of the players involved. The characters of *Sex and the City* accurately represent what the sexual revolution expects of women, and what the woman who looks for liberation through the bedroom can expect. The writers know that their four protagonists, for all their cool urbanity, experience feelings of loss and sadness and loneliness that are real and typical for women in the age of liberation.

For every incident in *Sex and the City* that may seem like a caricature, you can find a real-life woman in America with an even more extreme story. Take Grace Quek, flatteringly profiled in *Allure* magazine recently, because she had had sex with 251 men in a single day and had immortalized her feat in an X-rated "documentary," *World's Biggest Gang Bang*, shown at the 1999 Sundance Film Festival. "Actually," writes *Allure*, Quek's film "satirizes masculinity while expressing the enormity of her own desire. To challenge our gender assumptions, Quek put her body (and psyche) on the line."

Allure also reports that Quek had survived a gang rape years before, "which raises a troubling question: Is her adult-film work a way of punishing herself for that victimization, or of reclaiming her body?" Troubling indeed: for this woman, who takes our culture's standard of liberated womanhood to such lengths, suggests that what our culture expects of all women—to remain indifferent to what is to them most naturally sacred—is really a pathology.

And what our culture considers a pathology is really quite normal. Writing of *Sex and the City* and *Ally McBeal*, Stacey D'Erasmo recently wondered in the *New York Times Magazine*: "Why do the sexy, savvy new heroines want nothing so much as rings on their fingers?" Taking for granted that it is weird to want to get married, D'Erasmo answers the question: "The new single-girl pathos seems more like a plea to be unliberated, and fast. These characters really do just want to get married; they just don't want to look quite so naive about it. . . . The new single girl, tottering on her Manolo Blahniks from misadventure to misadventure, embodies in her very slender form the argument that not only is feminism over. It also failed: look how unhappy the 'liberated' woman is! Men don't want to marry her!" And why do women continue to pursue this life of "misadventure"? According to D'Erasmo, "Perhaps, it's because they know . . . that marriage doesn't solve all your problems. It never did."

Sure, the new way of doing things is a mess, goes this line of reasoning, but the old way didn't solve all our problems either. Well, no kidding. But that's like saying that because asprin doesn't always cure a headache, you are better off banging your head against the wall.

In the second episode of *Sex and the City*'s second season, one woman says sweetly, "I'm a single, 38-year-old woman, still hoping to get married. I don't want to know the truth." But the next generation, for whom it's not too late, does—and perhaps that's why they enjoy watching *Sex and the City*. ■

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Why the Founding is Back in Fashion

Jean M. Yarbrough and Richard E. Morgan

As we approach the millennium, the country is recovering a belief that had seemed outworn over the last cynical decades: a sense that the American republic, in the freedom, prosperity, and security it bestows, is exceptional among nations. With that realization comes a renewed appreciation for the wisdom of the Founders. As anyone over 30 recalls, it wasn't so long ago that critics spelled "Amerika" with a *k*, and scholars made their reputations unmasking America's racist, patriarchal, and genocidal origins. No one, it seemed, took seriously the idea that the Founders—those quintessential Dead White Males, excoriated by Charles Beard and his fellow Progressives in the early decades of this century and reviled by the radicals of the sixties—could have acted on any principle other than their own selfish class interest.

But now things are changing fast: the respect that all sides professed for the Founders during the Clinton impeachment debates, when many politicians and pundits read more of the Federalist Papers than they had during their student years, is only one of many cases in point. In universities and law schools, a vigorous new scholarship is taking the ideas of the Founders seriously indeed, and these ideas are rapidly reaching the broader reading public.

Much of this new writing, conservative in temper, has called into question the Progressive critique of the Founders' motives, defending the Framers' preference for a limited national government as opposed to the regulative, redistributionist leviathan the left favors. But when liberals and modern-day progressives fight back—unlike their predecessors, who had no use for "the American political tradition and the men who made it," in historian Richard Hofstadter's phrase—they understand that they must first ceremonially embrace the Founders before easing them out of the way in favor of revisionist alternatives that hallow their own icons, above all the expansion of national power under the New Deal and the Warren Court. Right and left, today nobody wants to be on the wrong side of the Founders.

Political developments in the 1980s helped fuel the change. The success of Ronald Reagan—not just a Republican, but a conservative—suggested that the onward march of New Deal statism, with its long-standing antipathy to the Founding, might not be inevitable. The fall of the Berlin Wall and the efforts of the East European states to establish democratic republics fanned interest among foreign elites in America's founding principles. After 1989, no one could seriously argue that communism offered a workable alternative to Western liberal democracy, and nowadays the democratic left is even hard-pressed to hold up struggling Sweden and Japan as models. At the end of the millennium, the Founders' "new science of politics" stands unrivaled.

Ideas, even more than events, powered the resurgence of interest, beginning with the ideas of one German Jewish refugee, political scientist Leo Strauss, who encouraged a number of his students in the forties and fifties to study the Founders systematically. At the time, many on the left had serious reservations about whether a constitution founded on Lockean appeals to self-interest and dedicated to the protection of individual rights, including property rights, could truly be called democratic. Didn't a democracy need to rest on higher fundamental principles? Beginning in the late fifties, Strauss's students, led by Martin Diamond, Harry Jaffa, and Herbert Storing, defended the Founders with a three-part argument, which took for granted that men do and will act on their self-interest, so that any political science that assumes otherwise—that assumes you can change human nature and create some kind of New Man—is deluded.

First, Straussians as a group emphasized the importance of "natural rights" as the powerfully legitimating basis of the American constitutional order. Where earlier scholars had largely dismissed the opening paragraphs of the Declaration of Independence about man's natural endowment as just so much boilerplate—or empty glorifications of selfish individualism—Straussians insist

The Constitutional Convention

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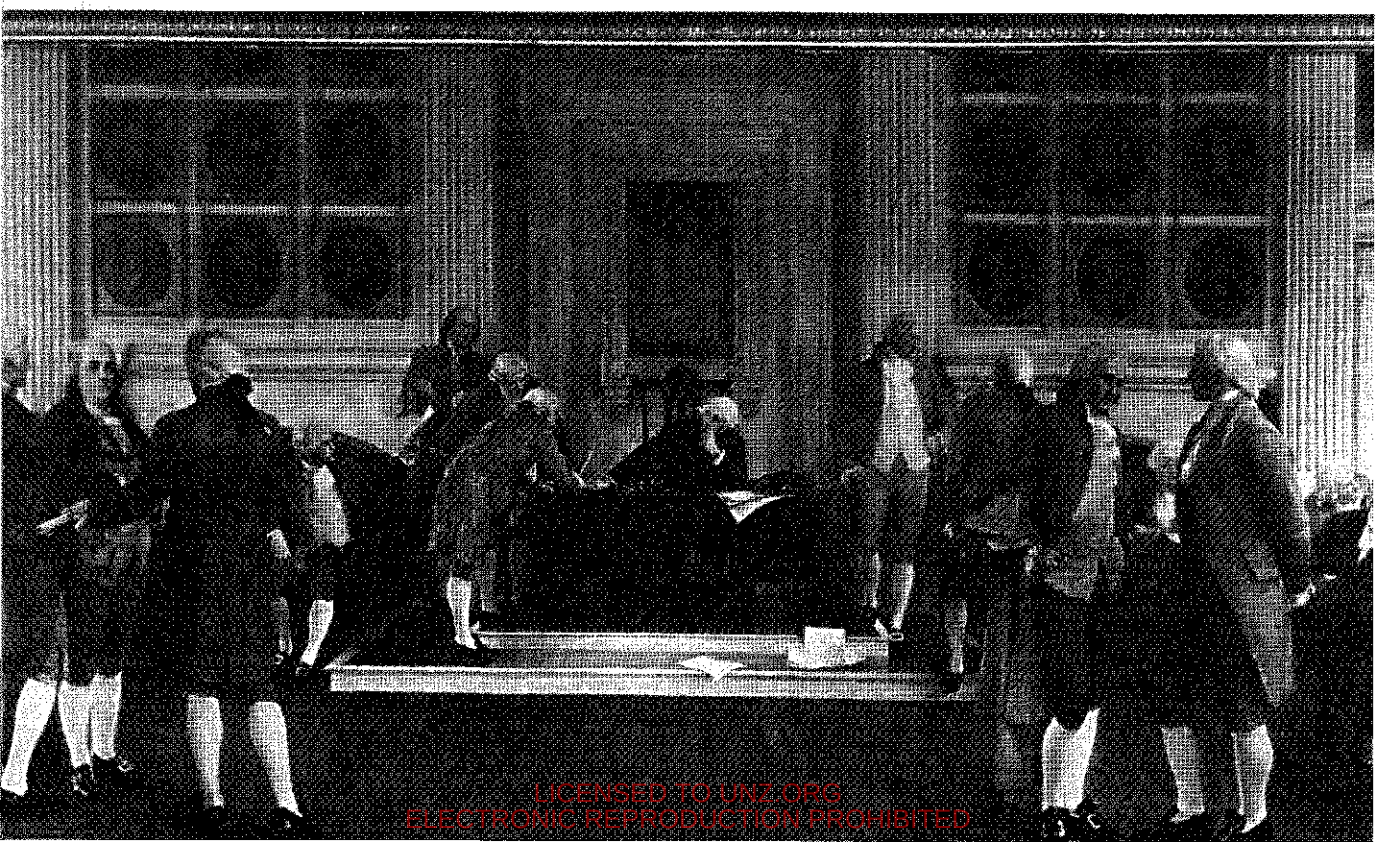
that the idea of equal natural rights to life, liberty, and the pursuit of happiness establishes a moral standard. There is a higher law than man-made law that sets limits to what men may do to one another in the pursuit of their self-interest and instructs them in how they should live, when they apply their reason to finding it out.

Any government that denies individuals their natural rights, depriving them of life, liberty, or property without their consent, becomes illegitimate. No custom or law that runs contrary to nature can ever be legitimate. In this sense, the idea of rights grounded on "the laws of Nature and Nature's God" serves as America's moral compass, since it lays on governments the duty to protect the rights of all human beings and holds them accountable if they fail to do so. What surer foundation for free government than to ground it on the equal right of every individual to those things that all men naturally desire?

For those on the left, though, the idea of natural rights is troublesome. If our rights derive from nature, that means that our freedom of action has certain limits that we do not set. The liberal ideal of autonomy requires us to make our own moral law, not passively to accept laws decreed by some source outside of us, whether God or nature. But, the Straussians reply, the limits that nature sets to human freedom keep us from slipping into the nihilistic belief that everything is permitted and that we are free to do whatever we want with other consenting adults.

Second, in disposing of the leftist idea that the Constitution marked a Thermidorean retreat from the more democratic principles of the Revolution a decade earlier, Straussians point out that the entire Western tradition of political philosophy warns against the twin dangers facing all popular or democratic governments: majority tyranny and demagoguery. That's why, according to Harvey Mansfield, the preservation of democracy depends on those institutions that restrain and refine majority sentiment, such as federalism, the separation of powers, and the whole machinery of limited government that the Constitution established. That's also why Straussians tend to admire those leaders who, at some risk to themselves, have sought to lead,



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rather than simply reflect, popular opinion.

Third, Straussians come to the defense of the Framers by analyzing the realities of statesmanship, with its need for practical realism, for prudence and moderation. Americans today routinely condemn the Framers for tolerating slavery or violently suppressing the Indians, but they don't say how they might have acted differently. What options were available to them to advance the principles of the Declaration and the Constitution as fully as possible? Would the moral high road have led to larger political disaster? Could there have been a Union at all if the Framers had agreed to abolish slavery in Philadelphia? How would a weaker Articles of Confederation have helped the plight of the slaves? Contrary to what some of the ablest historians today assert, the most talented statesmen are not simply the products of their historical circumstances but actually help to shape events. Straussians assume that the most thoughtful men of their time reflected on the choices before them, and that they still have something to teach us about political necessity and the limitations of politics.

BROWN BROTHERS

George Washington

Not long after the first generation of Straussians offered their spirited defense of the Lockean principles of the Founding, historians to their left began to develop an alternative view. In place of Lockean liberalism, with its emphasis on the selfish passions and individual rights, especially the natural right to property, Bernard Bailyn and Gordon Wood joined forces with intellectual historians J. G. A. Pocock and Lance Banning to offer a genuinely novel account of the American Founding. Wood's 1969 *Creation of the American Republic* launched the "classical republican" interpretation of the Founding, but it was Pocock's *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republic* that spelled out fully what "classical republicanism" was and where it came from. Pocock traced the tradition of civic republicanism from Greece and Rome to Machiavelli, then to the English republicans and radical Whigs of the seventeenth and eighteenth centuries, and finally to the creation of the American republic. In Pocock's interpretation of America, Locke and natural rights (especially property rights) were out; Machiavelli and civic virtue were in. Where Lockean liberalism rested, as Strauss had put it, on "low but solid" appeals to self-interest, and especially economic self-interest, classical republicanism was higher-minded, arguing that the Founders had based their republic not on the rights of the individual but on the virtue of citizens, which would impel them to advance the common needs of the community through political participation.

It's hard to overstate the influence of classical republicanism on a whole generation of left-leaning political theorists and historians, many of whom came of age in the late sixties and early seventies. Classical republicanism tapped into their frustrated idealism and offered an alternative to Lockean liberalism, which they caricatured as an obsession with property and money. At some point, these writers argued, republican virtue lost out to liberal self-interest in America, but

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at least the beginnings were good, and Americans might once again recover them. They might move beyond crass self-interest toward a politics of virtue, community, and equality, while remaining faithful to their country's founding principles.

In time, the inevitable correction set in. Historians (led by Joyce Appleby) and political theorists, who had carefully studied both liberal and classical republican texts, launched a two-pronged assault on the more implausible of these claims, especially the wholesale banishment of Locke and natural rights from the Founding. At the same time, they exposed the profoundly illiberal implications of a society organized around a single-minded dedication to virtue and the common good. The classical republicans of Greece and Rome were slaveholding, propertied gentlemen, hardly a model for a republic of hardworking equals.

In response to these criticisms, classical republican scholars began to retreat. In 1988, Banning distanced himself from his earlier republicanism, arguing that the kind of civic virtue that eighteenth-century Americans sought to cultivate was not as austere as civic-humanist partisans had once supposed. Civic virtue, as the Americans understood it, could happily coexist with self-interest. Gordon Wood, in a 1991 *New Republic* essay, conceded that classical republicanism's theorists had overstated their case. The Founding was far too complex to be reduced to a single intellectual paradigm. The Founders never felt that they had to choose between liberalism and republicanism, between Locke and Machiavelli. To force them into these "boxlike categories" was to distort the past. Left unclear in the essay was the relative weight of these, and other, intellectual influences in shaping the political thought of the different Founders, a question later resolved most persuasively by Michael Zuckert's *Natural Rights and the New Republicanism*, which accords pride of place to natural-rights liberalism.

At the end of the day, classical republicanism, purged of its excesses through scholarly give-and-take, has enriched our understanding of the Founding by reminding us that republican government cannot survive on self-interest alone. In their eagerness to defend the Founding against its Progressive critics, the first generation of Straussians had given the impression that the Framers believed that they had created a political order that would in the future have no need for public-spirited men like themselves—that they had in effect invented, to quote the title of Michael Kammen's book, "a machine that would go of itself." The classical republican focus on civic virtue, while exaggerated and even misleading, has led to a keener appreciation on all sides that the Framers never intended to rely exclusively on appeals to self-interest to keep the system running.

Today, most historians and political theorists would agree that the 20-year liberal-vs.-republican debate—at least as it bears on the Founding—is largely over. Both sides are more or less in agreement that the Founders established not a classical republic dedicated to virtue, but a liberal—that is, a natural-rights—republic. Still, the political impulses that gave rise to classical republicanism—distrust of private property and wealth, a revulsion against acquisitiveness, love of equality over liberty, and longing for community—help keep the flame alive among contemporary leftish "communitarians," such as Michael Sandel, who carries the republican project forward in *Democracy's Discontent*. And in prestigious law schools, legal scholars have appropriated the classical republican language of virtue and the common good to fashion novel arguments against pornography and individual property rights and in support of a more egalitarian understanding of the public good.

The civic humanists helped spark a new round of inquiries into the virtues that are appropriate to liberal republics. Conservatives have begun to take that question very seriously. At the broadest level, Peter Berkowitz's *Virtue and the Making of Modern Liberalism*, for example, explores the virtues recommended by the giants of modern liberal political philosophy—Hobbes, Locke, Kant, and Mill—and, in so doing, sheds light on the Founders' political science. Turning to America, others have revisited the Founders with a view to exploring the place of virtue in their thought, taking some of their inspiration from

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works like William Bennett's 1993 *Book of Virtues* or intellectual historian Gertrude Himmelfarb's *The De-Moralization of Society*.

In *American Virtues: Thomas Jefferson on the Character of a Free People*, for example, one of the authors of this essay, Jean M. Yarbrough, examines the moral, civic, and intellectual virtues that Jefferson sought to cultivate in the new American republic and considers Jefferson's understanding of how different institutions—ranging from the family, the farm, and the schools all the way up to organized religions and a "federal pyramid" resting on local self-government—help to shape a distinctive American character, fitted for democracy. Whereas Hamilton, Yarbrough argues, gave greater attention to the virtues required of statesmen, Jefferson, by contrast, thought more about the public and private virtues required of citizens in a liberal republic and took the necessary steps to promote them. Again by contrast with Hamilton, Jefferson correctly anticipated many of the vices associated with a more "licentious" commerce, especially in our big cities, and he understood how easily Hamilton's call for "energy" in government could be perverted into calls for big government, and how quickly big government could become corrupt and corrupting.

In a novel way of dramatizing how crucial to the republic

CULVER PICTURES

John Adams

the Founders considered personal virtue to be, Richard Brookhiser has produced compelling character sketches first of Washington and then of Hamilton. These are moral biographies on the model of Plutarch's *Lives*. Brookhiser's animating assumption is that the Founders took for granted that their new republic couldn't flourish without a virtuous citizenry, and as statesmen they tried to set the proper moral tone for society. But Brookhiser's are no airbrushed portraits; what makes Washington and Hamilton exemplary human beings is that each strove, not always successfully, to control his vices (Washington's temper, Hamilton's ambition and lust) and, in the crucial tests, acted with dignity and honor. At a time when the country ranks questions of character and morals at the top of its list of concerns, *Founding Father: Rediscovering George Washington* and *Alexander Hamilton: American* have deservedly won a wide popular audience.

Though Straussian conservatives have generally downplayed the importance of religion in shaping the American political tradition, other conservative commentators, such as Ellis Sandoz, have argued that religion is what gave the new republic the ethical foundation it required. In a similar vein, Barry Shain, in his iconoclastic *The Myth of American Individualism: The Protestant Origins of American Political Thought*, has recently stressed the importance of rural Christian communities, rather than abstract individual rights, in shaping early American understandings of liberty and the public good. And in the great tradition of foreign observers, who sometimes see aspects of America more clearly that those who write from within, the Englishman Paul Johnson (like Tocqueville before him) emphasizes in *A History of the American People* the role of religion in sustaining and reinforcing political freedom from its earliest Puritan beginnings until very recently. Johnson, like Tocqueville, regards religion in America as a benign force, and

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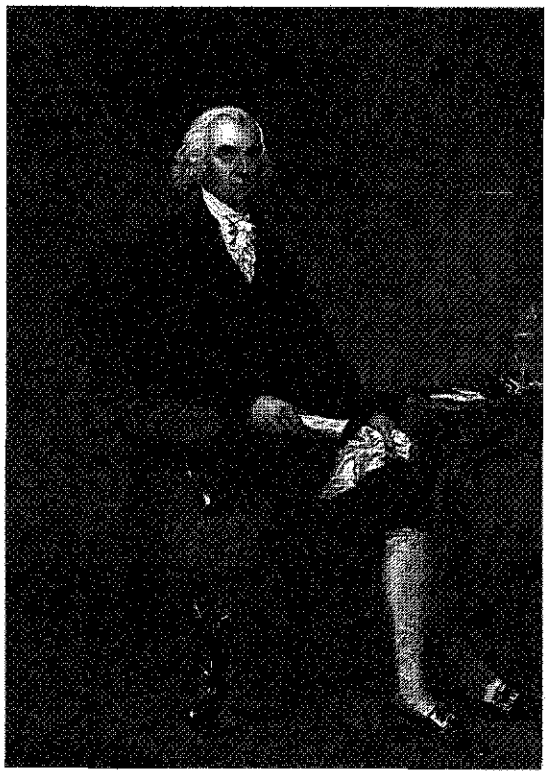
closes his book with a warning against efforts by political and intellectual elites to weaken the power of religion in American life.

Taking the Founding seriously has meant taking the Constitution seriously, too. In jurisprudence, that has given a boost to "originalism," the doctrine that judges ought to be guided in their decision making by what those who framed and ratified the document intended. For liberal intellectuals, of course, this idea is profoundly disturbing, because it threatens the post-1960 judicial imperium in which the left has such a powerful stake—an *imperium* that depends on reading into the Constitution and statutes things not even remotely contemplated by the people who put those provisions in place.

The unlikely personification of this threat is a former concert violinist and New Deal lawyer, who turned to constitutional history only in retirement and is still at work in his nineties. Raoul Berger's profoundly influential 1977 work, *Government by Judiciary*, did not deal with the Founding but rather with the framing and ratification of the Fourteenth Amendment—often touted as our "Second Founding" or "Refounding." Mighty claims have been made for this Reconstruction Amendment. It is alleged to have undone or reversed much of the Founders' original design by extending the prohibitions in the Bill of Rights to the states, thereby effectively ending federalism in the area of civil rights and liberties. Much of the audacious judicial legislating of the Warren and Berger Courts (from *Brown* v. *Board of Education* to *Roe* v. *Wade*) depended on highly imaginative interpretations of what the country had agreed to when it ratified the Fourteenth Amendment in 1868.



CULVER PICTURES

James Madison

Raoul Berger advanced a powerful argument for a much more limited conception of what the framers of that amendment intended. They intended to forbid states to deny such basic civil rights as the right to own property, to make contracts, and to sue and be sued in the courts. In addition, they required states to provide fair trials for those charged with crimes and to enforce their existing laws equally. But wholesale social reform, enforced by a greatly expanded national government, was no part of their design.

The challenge could not have been clearer. If Berger was right, much of modern constitutional law was wrong. And to make matters worse, the old gentleman followed *Government by Judiciary* with a 1987 book that did deal with the Founding. In *Federalism*, he mustered compelling textual and historical evidence showing that the commerce clause in Article I of the Constitution, giving Congress power to regulate commerce "among the states," was of much more modest dimensions than later Supreme Court decisions had held it to be. But much of the legislation creating the modern welfare and regulatory state hangs on this constitutional hook. If Berger was right, where was the constitutional justification for the New Deal's expansion of federal power? And for so much that followed after that?

Tank cars of ink have been expended in "proving" Berger wrong, originalism impossible, and the Court right. But this can no longer be done, as in the sixties or seventies, by dismissing

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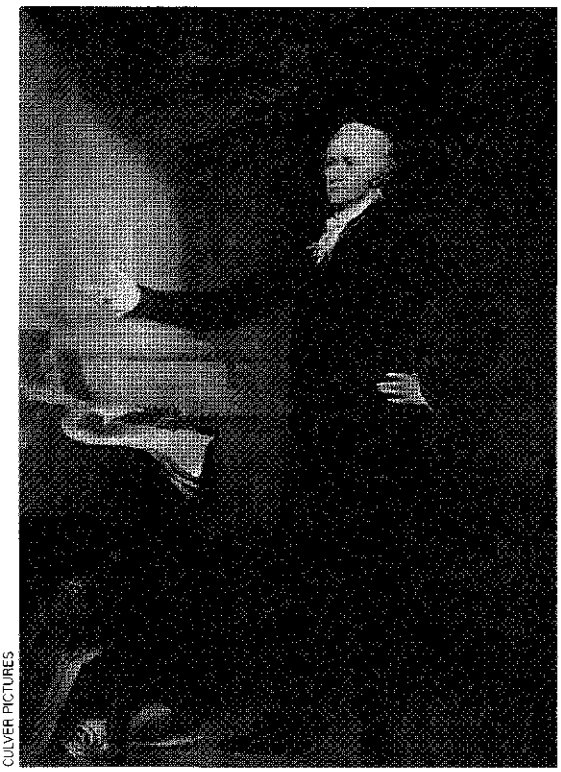
the relevance of history. Now our past must be rearranged so as to protect modern constitutional law. Three ingenious recent books that reinterpret the Founding with this end in mind are by Yale law professors Bruce Ackerman and Akhil Amar and Pulitzer prize–winning Stanford historian Jack Rakove.

We the People: Transformations is the second volume of Ackerman's magnum opus on our constitutional history, in which he aims "to push the Founders off the pedestal without dropping them into the dustbin of history." Its core argument, already sketched in his earlier *Foundations*, is that the procedures for amending the Constitution set forth in Article V are not exclusive. The Constitution, Ackerman would have us believe, also can be changed legitimately in certain defining "constitutional moments," without going through the formal process of amendment. The particular "moment" at center stage in *Transformations* is the New Deal and the vast expansion of national legislative and regulatory power unleashed by the Roosevelt Court. This "moment," moreover, ushered in an era in which major constitutional changes have come from the Court rather than Congress or the state legislatures. Ackerman argues passionately that widespread public acceptance of (or acquiescence in) such changes suffices to render them democratically and, hence, constitutionally acceptable.



CULVER PICTURES

Alexander Hamilton

But Ackerman worries that just as FDR achieved a constitutional transformation by placing strong New Dealers on the bench, so some future strong president might achieve a transformation less to Ackerman's liking (as Ronald Reagan came within one appointment of doing). To preclude future resort to the Roosevelt precedent, while continuing to provide an alternative to Article V for constitutional change, Ackerman would require a two-thirds vote of the Senate to confirm Supreme Court nominees, severely limiting presidential capacity to remake the Court. He further proposes that reelected presidents be allowed to propose constitutional amendments on their own, to be ratified by the people in referenda. (It suits the federalism-averse Ackerman just fine that this process cuts the states out completely.) This argument pushes the Founders off their pedestal as contemptuously as possible in its profound disrespect for the constitutional forms they considered the necessary underpinnings of republican government.

In his much-discussed *The Bill of Rights*, Akhil Amar has really written two books, one splendid, one tendentious. The first returns the original ten amendments to their proper historical context, presenting them not simply as a charter of individual rights but also as a set of limitations on the power of the new central government. So far, so good: Amar's reading restores the ideas of limited national government and federalism to center stage, as the Framers and ratifiers of the Constitution intended. Trouble is, contemporary liberals, especially Amar's fellow constitutional-law professors, find these conclusions hard to live with, and Amar is quick to assure them that they don't have to.

In his view, Reconstruction—and the Fourteenth Amendment in particular—changed everything, effectively nationalizing our constitutional order. Not

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only did the Fourteenth Amendment extend most of the provisions of the original Bill of Rights to the states, but in the process the rights themselves morphed into exactly those rights the courts have been discovering and enforcing since 1960 or so. Where the Bill of Rights had originally focused on protecting the people in their states and localities against encroachments by the central government, the ratification of the Fourteenth Amendment changed all that, so that the Bill of Rights now empowers the central government itself to protect individuals and minorities against majorities of their neighbors. In reality, of course, while the framers of the post–Civil War amendments clearly intended to give the national government power to protect individuals against the kind of wholesale deprivations of basic rights that unreformed, Confederate-controlled state governments were visiting upon newly freed Southern blacks, the evidence is overwhelming that they by no means intended to reverse, or seriously dilute, the Founders' basic commitment to federalism and local self-government.

Jack Rakove's *Original Meanings* is the most successful of these anti-originalist books, because it doesn't seek to replace the historical Founding with something else, as Ackerman and Amar do. Rather, Rakove argues that the real Founding is simply too complicated and too nuanced to be usable in the way originalists assume. But his book is oddly at war with itself. While constantly urging skepticism about how much the Founders can help us decide constitutional questions today, Rakove in fact delivers a series of brilliant lessons about how much we *can* learn from them. He emphasizes, for instance, that revolutionary American claims of natural rights were largely consistent with earlier colonial claims of specifically English rights: "English rights were the legal application of natural rights." Surely this is richly suggestive of how the Founding generation understood particular rights, such as property and free-speech rights.

Even if we accept Rakove's protestations at face value, his book points in a different direction from where he (as a supporter of the interventionist judiciary) would have us go. For if constitutional meaning is as elusive and indeterminate as Rakove would have us believe, how can judges so frequently invoke the Constitution as authority for trumping the decisions of democratically elected officials? One sensible way of reading Rakove's book is as a warning against judges carelessly invoking the Constitution as a source of power to order people about, and to that one can only murmur, "Amen."

The renewed interest in the Founding has yielded a whole new crop of books offering fresh insights into the political thought of particular Founders, even including John Adams, largely ignored as a thinker up till now. In *John Adams and the Spirit of Liberty*, C. Bradley Thompson shows how Adams put his vast knowledge of ancient and modern constitutions to work in sketching the political architecture for the great round of constitution making that erupted in the states after independence, and defending the first state constitutions against simplistic attacks by the French *philosophes*, who saw no need for complex government once the people were truly sovereign. But Adams, skeptical of the Enlightenment's sunny optimism, was insistent on the need for legal and institutional checks to restrain the vices of human nature even in a democracy, Thompson shows, and he rightly worried about the perennial inability of a self-governing people to distinguish between the natural *aristoi* and the merely rich and famous who flaunt "the gaudy trappings of wealth."

James Madison, often regarded as the junior partner in the "great collaboration" with Jefferson, comes into his own in Lance Banning's *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* and political theorist Gary Rosen's *American Compact: James Madison and the Problem of Founding*. One of the great puzzles of the Founding is how Madison could have collaborated with Hamilton in 1787 at the Federal Convention and in authoring the *Federalist Papers*, then in a few short years turn around and, with Jefferson, establish the Republican Party to combat Hamilton and his Federalist allies. Was Madison simply a political opportunist, changing sides as the political landscape shifted, or is there a higher

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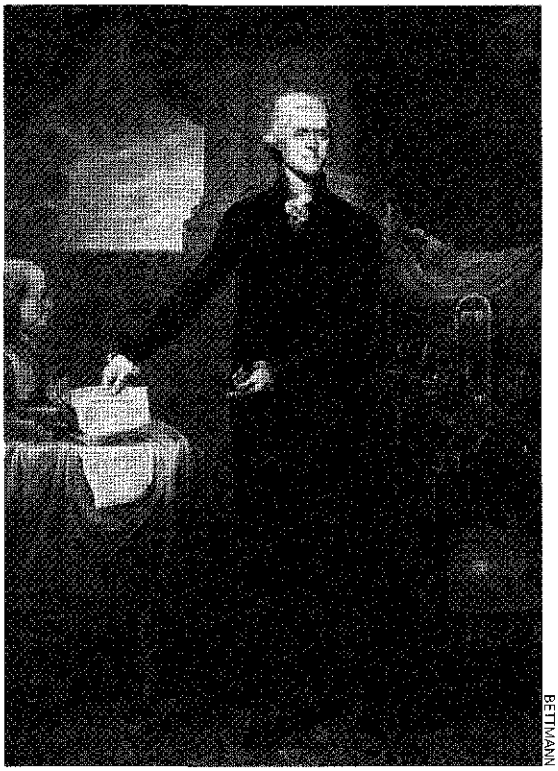
consistency at work in his politics? Both Banning and Rosen (a former *City Journal* senior editor) argue for the overall coherence of Madison's politics, Banning by emphasizing the shared commitment to hammering out a Constitution that temporarily eclipsed Madison's many differences with Hamilton, and Rosen by stressing the tension between the conflicting demands first of founding the new constitutional order and then preserving it.

In a category all by itself is political scientist James Ceaser's provocative *Reconstructing America*, which defends the superiority of America's founding principles from 200 years of criticism from European intellectuals, beginning with the French *philosophes* and continuing up through the German philosopher Martin Heidegger. Coming to the rescue are the authors of *The Federalist*, Alexis de Tocqueville, and, in the twentieth century, Leo Strauss himself. What each of these thinkers reminds us, argues Ceaser, is that the best security for the natural-rights doctrine announced in the Declaration is the "new science of politics" that the Framers invented at the Constitutional Convention. By successfully reconstructing the Founders' political science in the face of these powerful intellectual challenges, Ceaser helps us to appreciate the grandeur and nobility of their political vision.


BETTMANN

Thomas Jefferson

But precisely whose vision is it that should prevail? As always, the debate today rages between the Hamiltonians and the Jeffersonians, and these days the Hamiltonians are winning. Not only is Richard Brookhiser's biography of Hamilton more sympathetic to his subject than Joseph Ellis's ultimately unflattering portrait of Jefferson in *American Sphinx: The Character of Thomas Jefferson*, but an enormous scholarly interest has boosted Hamilton's reputation in recent years. One highly praised study by Peter C. McNamara, *Political Economy and Statesmanship*, argues that Hamilton's understanding of the relationship between politics and economics is superior to Adam Smith's. Unlike Smith—who, McNamara argues, was a captive of his theories, lacking practical political experience—Hamilton had the prudence to know when to depart from pure free-market economics and let the federal government pursue economic policies, such as subsidies for domestic manufactures, that would enhance American prosperity and security. Karl-Friedrich Walling's recent *Alexander Hamilton on War and Free Government* makes the case for Hamilton's genius in foreign affairs. According to Walling, no Founder thought more farsightedly about the problem of reconciling a strong defense policy with liberty and free government. In an era dominated by American economic and military power, Hamilton's stock seems to have unlimited growth potential.

Though Americans continue their perennial fascination with Thomas Jefferson, he has always served as a lightning rod for their doubts and anxieties, and, at the moment, this means race and sex. Thus in *The Long Affair*, Conor Cruise O'Brien complains that Jefferson's racial views, along with his enthusiasm for violent resistance to government, warrant dislodging him from the American pantheon, and Annette Gordon-Reed's *Thomas Jefferson and Sally Hemings: Historians and the Enterprise of*

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Defense insists that we take seriously the long-neglected black oral tradition that the author of the Declaration of Independence fathered several children by his slave Sally Hemings.

Of course the Jeffersonian legacy is much richer than our current preoccupation with race and sex. Trouble is, so much of what Jefferson stands for—smaller national government, judicial accountability, strong federalism and local self-government—is anathema to the left, while the right dismisses the rest of his program—opposition to highly developed forms of commerce, fears about the corrupting effects of wealth, hostility toward revealed religion, and confidence in the people to govern themselves—as foolishness and demagoguery.

One noteworthy attempt to break out of the box is Thomas G. West's *Vindicating the Founders: Race, Sex, Class, and Justice in the American Founding*. Originally written to refute the standard liberal biases and outright errors in high-school American history textbooks—most egregiously, that the Declaration of Independence was only intended to apply to white, property-owning males, a view repeated only a few months ago by a New Jersey legislator who opposed having the children of her state memorize the Declaration's opening sentences—this slender volume makes it absolutely clear that Jefferson intended the Declaration's principles to apply to everyone, including blacks, women, and the poor. West pulls no punches in arguing that Jefferson's understanding of equality and rights is superior to the contemporary alternative, which casts whole groups of Americans as victims and renders them incapable of self-government.

While much recent scholarship has not been kind to the Sage of Monticello, the debate doesn't end here. As Jefferson himself understood when he had Hamilton's bust placed in his dining room after hearing of his death, these two giants are destined to go on confronting each other in death, as they once did in life, and offering insights and advice that succeeding generations can use according to their own needs.

What does this renewed concern for the Founding portend for American culture and politics? For a "propositional nation," united not by blood and soil but by commitment to a particular body of ideas about how public life should be conducted, such a return to first principles is altogether positive—especially since schools and colleges either ignore American history or deconstruct it. We have no biological fathers to provide an ethnic basis for American nationality. For us, the Founding Fathers and their ideals must do the work.

Of course, the more the new scholarship succeeds in creating respect for our beginnings, the more incentive partisans will have to create designer versions of the Founding that will advance their agendas. Imagine a very powerful civic republican influence on American constitution making, with heavy emphasis on virtuous sacrifice for the common good, and—presto—you have a governmental tradition friendly to sharply redistributionist tax policies. Imagine a radically egalitarian version of the Fourteenth Amendment (as opposed to the actual one guaranteeing basic civil rights), and—*voilà*—you have a "constitutional commitment" that supports ever more federal government intrusion on behalf of women, homosexuals, and minorities. While it has always been true that to control the past is to control the present, today the stakes are higher. But given the overriding commitments of the Founders to the natural rights of life, liberty, and property, to limited government reined in by federalism and the separation of powers, and to self-government in local communities and private associations, conservatives enjoy powerful natural advantages when fighting on the turf of the Founding.

America was the first nation to be "founded" in the modern sense. As Alexander Hamilton observed in *Federalist* No. 1, all earlier republics had emerged through "accident or force." It was thus reserved for Americans to demonstrate "whether societies of men are really capable or not of establishing good government from reflection and choice." Well, the returns are in: the American Founding is the model that peoples around the world consult as they struggle toward freedom over the ashes of communism and dozens of lesser tyrannies. We can take pride that the wisdom of our Founding Fathers is an inheritance that enriches not just us but the whole globe. ■

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Oh, to be in **England**

How Criminologists Foster Crime

Theodore Dalrymple

Last week in the prison I asked a young man why he was there.

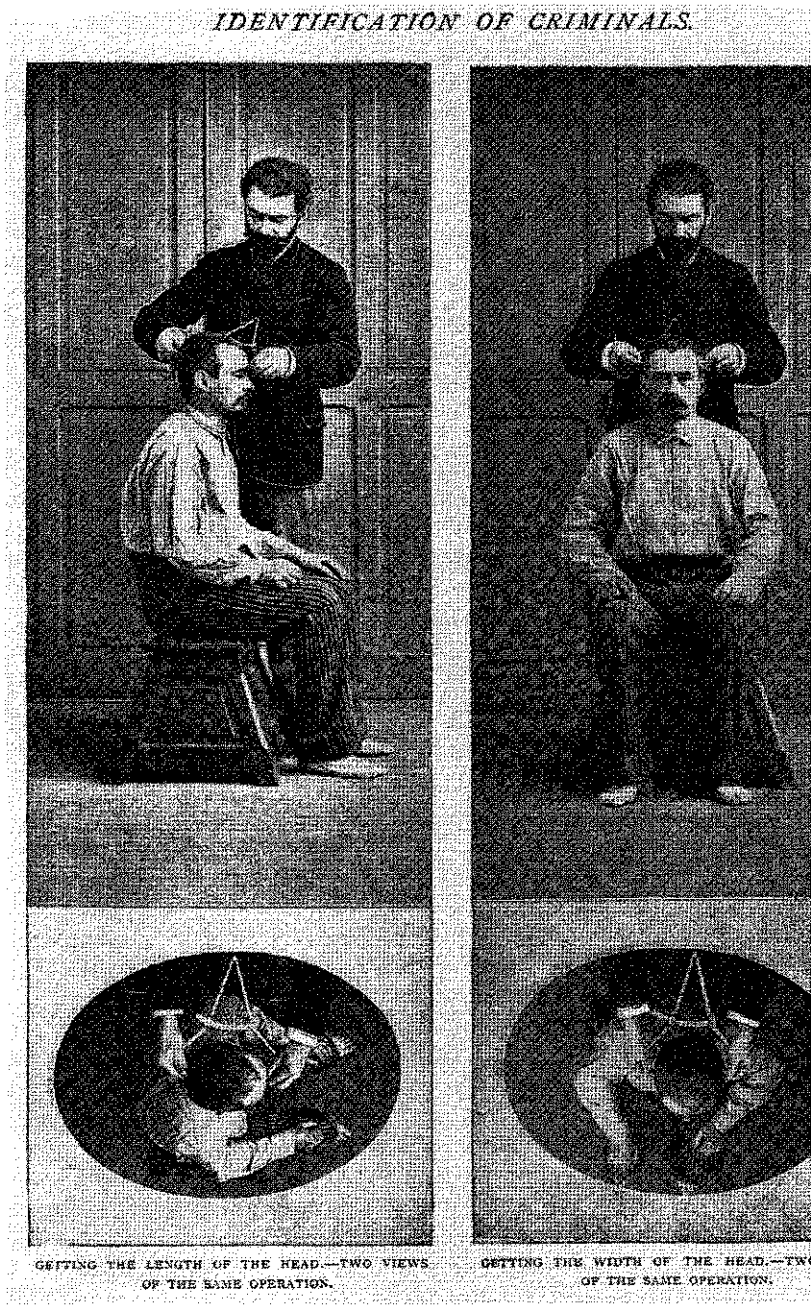
"Just normal burglaries," he replied.

"Normal for whom?" I asked.

"You know, just normal."

He meant, I think, that burglaries were like gray skies in an English winter: unavoidable and to be expected. In an actuarial sense, he was right: Britain is now the burglary capital of the world, as almost every householder here will attest. But there was also a deeper sense to his words, for statistical normality slides rapidly in our minds into moral normality. The wives of burglars often talk to me of their husband's "work," as if breaking into other people's homes were merely a late shift in a factory. Nor is only burglary "normal" in the estimation of its perpetrators. "Just a normal assault," is another frequent answer prisoners give to my question, the little word "just" emphasizing the innocuousness of the crime.

But how has crime come to seem normal to its perpetrators? Is it merely a recognition of the brute fact of a vastly increased crime rate? Or could it be, on the contrary, one of the very causes of that increase, inasmuch as it represents a weakening of the inhibition against criminality?


IDENTIFICATION OF CRIMINALS.
GETTING THE LENGTH OF THE HEAD.—TWO VIEWS OF THE SAME OPERATION.
GETTING THE WIDTH OF THE HEAD.—TWO VIEWS OF THE SAME OPERATION.

CULVER PICTURES

As usual, one must look first to the academy when tracing the origins of a change in the Zeitgeist. What starts out as a career-promoting academic hypothesis ends up as an idea

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so widely accepted that it becomes not only an unchallengeable orthodoxy but a cliché even among the untutored. Academics have used two closely linked arguments to establish the statistical and moral normality of crime and the consequent illegitimacy of the criminal justice system's sanctions. First, they claim, we are all criminal anyway; and when everyone is guilty, everyone is innocent. Their second argument, Marxist in inspiration, is that the law has no moral content, being merely the expression of the power of certain interest groups—of the rich against the poor, for example, or the capitalist against the worker. Since the law is an expression of raw power, there is no essential moral distinction between criminal and non-criminal behavior. It is simply a question of whose foot the boot is on.

Criminologists are the mirror image of Hamlet, who exclaimed that if each man received his deserts, none should escape whipping. On the contrary, say the criminologists, more liberal than the prince (no doubt because of their humbler social origins): none should be punished.

These ideas resonate in the criminal's mind. If his illegal conduct is so very normal, he thinks, what's all the fuss about in his case, or why should he be where he is—in prison? It is patently unjust for him to be incarcerated for what everyone still at liberty does. He is the victim of illegitimate and unfair discrimination, rather like an African under apartheid, and it is only reasonable that, on his release, he should take his revenge upon so unjust a society by continuing, or expanding, his criminal activity.

It is impossible to state precisely when the Zeitgeist changed and the criminal became a victim in the minds of intellectuals: not only history, but also the history of an idea, is a seamless robe. Let me quote one example, though, now more than a third of a century old. In 1966 (at about the time when Norman Mailer in America, and Jean-Paul Sartre in Europe, portrayed criminals as existential heroes in revolt against a heartless, inauthentic world), the psychiatrist Karl Menninger published a book with the revealing title *The Crime of Punishment*. It was based upon the Isaac Ray lectures he had given three years earlier—Isaac Ray having been the first American psychiatrist who concerned himself with the problems of crime. Menninger wrote: "Crime is everybody's temptation. It is easy to look with proud disdain upon 'those people' who get caught—the stupid ones, the unlucky ones, the blatant ones. But who does not get nervous when a police car follows closely? We squirm over our income tax statements and make some 'adjustments.' We tell the customs official we have nothing to declare—well, practically nothing. Some of us who have never been convicted of crime picked up over two billion dollars' worth of merchandise last year from the stores we patronize. Over a billion dollars was embezzled by employees last year."

The moral of the story is that those who go to court and to prison are victims of chance at best and of prejudice at worst: prejudice against the lowly, the unwashed, the uneducated, the poor—those whom literary critics portentously call the Other. This is precisely what many of my patients in the prison tell me. Even when they have been caught *in flagrante*, loot in hand or blood on fist, they believe the police are unfairly picking on them. Such an attitude, of course, prevents them from reflecting upon their own contribution to their predicament: for chance and prejudice are not forces over which an individual has much personal control. When I ask prisoners whether they'll be coming back after their release, a few say no with an entirely credible vehemence; they are the ones who make the mental connection between their conduct and their fate. But most say they don't know, that no one can foresee the future, that it's up to the courts, that it all depends—on others, never on themselves.

It didn't take long for Menninger's attitude to permeate official thinking. A 1968 British government document on juvenile delinquency, *Children in Trouble*, declared: "It is probably a minority of children who grow up without ever misbehaving in ways which may be contrary to the law. Frequently, such behavior is no more than an incident in the pattern of a child's normal development."

In a sense, this is perfectly true, for in the absence of

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proper guidance and control, the default setting of human beings is surely to crime and antisocial conduct, and everyone breaks the rules at some time. But in a period of increasing permissiveness, many draw precisely the wrong conclusion from human nature's universal potential for delinquency: indeed, the only reason commentators mention that potential at all is to draw a predetermined liberal conclusion from it—that acts of delinquency, being normal, should not give rise to sanctions.

In this spirit, *Children in Trouble* treats the delinquency of normal children as if its transience were the result of a purely biological or natural process rather than of a social one. Delinquency is like baby teeth: predetermined to come and go at a certain stage of a child's development.

Not so very long ago, such an attitude would have struck almost everyone as absurd. Everyone knew, as if by instinct, that human behavior is a product of consciousness, and the consciousness of a child must be molded. I can best illustrate what I mean by my own experience. At the age of eight, I stole a penny bar of chocolate from the corner store. It gave me a thrill to do so, and I enjoyed the chocolate all the more for the fact that it had not made an inroad into my weekly pocket money (sixpence). Unwisely, however, I confided my exploit to my elder brother, in an attempt to win his respect for my bravery, which was much in question at the time. Even more unwisely, I forgot that he knew this incriminating story when, furious at him because of his habitual teasing, I told my mother that he had uttered a word that at that time was never heard in respectable households. In retaliation, he told my mother that I had stolen the chocolate.

My mother did not take the view that this was a transient episode of delinquency that would pass of its own accord. She knew instinctively (for, at that time, no one had yet befuddled minds by suggesting otherwise) that all that was necessary for delinquency to triumph was for her to do nothing. She did not think that my theft was a natural act of self-expression, or a revolt against the inequality between the power and wealth of children and that of adults, or indeed of anything other than my desire to have the chocolate without paying for it. She was right, of course. What I had done was morally wrong, and to impress the fact upon me she marched me round to Mrs. Marks, the owner of the store, where I confessed my sin and paid her tuppence by way of restitution. It was the end of my shoplifting career.

Since then, of course, our understanding of theft and other criminal activity has grown more complex, if not necessarily more accurate or realistic. It has been the effect, and quite possibly the intention, of criminologists to shed new obscurity on the matter of crime: the opacity of their writing sometimes leads one to wonder whether they have actually ever met a criminal or a crime victim. Certainly, it is in their professional interest that the wellsprings of crime should remain an unfathomed mystery, for how else is one to convince governments that what a crime-ridden country (such as Britain) needs is further research done by ever more criminologists?

It is probably no coincidence that the profession of criminology underwent a vast expansion at about the same time that criminal activity began the steepest part of its exponential rise. Criminologists in Britain once numbered in the low dozens; and criminology, considered unfit for undergraduates, was taught only in one or two institutes. Today, hardly a city or town in the country is without its academic criminology department. Half of the 800 criminologists now working in Britain got their training (mostly in sociology) in the late sixties and early seventies, during the heyday of radical activism, and they trained the other half.

Of course, it might have been that the problem of crime called forth its students. But since social problems are often of a dialectical nature, could it not also have been that the students called forth their problem? (British economist John Vaizey once wrote that any problem that became the subject of an *ology* was destined to grow serious.) Since the cause of crime is the decision of criminals to commit it, what goes on in their minds is not irrelevant. Ideas filter down selectively from the academy into the population at large, through discussions (and often

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bowdlerizations) in the papers and on TV, and become intellectual currency. In this way, the ideas of criminologists could actually become a cause of crime. In addition, these ideas deleteriously affect the thinking of the police. In our hospital, for example, the police have posted notices everywhere warning staff, patients, and visitors about car theft. MOTORISTS! proclaims the notice. YOUR CAR IS AT RISK! This is a very criminological locution, implying as it does a mysterious force—like, say, gravity—against which mere human will, such as that exercised by thieves and policemen, can be expected to avail nothing.

In the process of transmission from academy to populace, ideas may change in subtle ways. When the well-known criminologist Jock Young wrote that "the normalization of drug use is paralleled by the normalization of crime," and, because of this normalization, criminal behavior in individuals no longer required special explanation, he surely didn't mean that he wouldn't mind if his own children started to shoot up heroin or rob old ladies in the street. Nor would he be indifferent to the intrusion of burglars into his own house, ascribing it merely to the temper of the times and regarding it as a morally neutral event. But that, of course, is precisely how "just" shoplifters, "just" burglars, "just" assaulters, "just" attempted murderers, taking their cue from him and others like him, would view (or at least say they viewed) their own actions: they have simply moved with the times and therefore done no wrong. And, not surprisingly, the crimes that now attract the deprecatory qualification "just" have escalated in seriousness even in the ten years I have attended the prison as a doctor, so that I have even heard a prisoner wave away "just a poxy little murder charge." The same is true of the drugs that prisoners use: where once they replied that they smoked "just" cannabis, they now say that they take "just" crack cocaine, as if by confining themselves thus they were paragons of self-denial and self-discipline.

Of course, the tendency of liberal intellectuals such as Jock Young not to mean quite what they say, and to express themselves more to flaunt the magnanimity of their intentions than to propagate truth, is a general one. Not long ago, I was involved in a radio discussion with a distinguished film critic about the social (or antisocial) effects of the constant exposure of children to depictions of violence. He strenuously denied that any ill effects occurred or were likely to occur, but admitted *en passant* that he would not permit a diet of violence for his own children. He perhaps did not notice that, underscoring his contradictory attitude, was an unutterable contempt for half of mankind. In effect he was saying that the proles were so beyond redemption, so immoral by nature, that nothing could make them either better or worse. They did not make choices; they did not respond to moral or immoral influences; they were violent and criminal by essence. His own children, by contrast, would respond appropriately to his careful guidance.

Criminologists, needless to say, are not monolithic in their explanations of criminality: an academic discipline needs theoretical disputes as armed forces need potential enemies. But above the cacophony of explanations offered, one idea makes itself heard loud and clear, at least to criminals: to explain all is to excuse all. Criminological writing generally conceives of criminals as objects, like billiard balls responding mechanically to other billiard balls that impinge upon them. But even when they are conceived of as subjects, whose actions are the result of their ideas, criminals remain innocent: for their ideas, criminologists contend, are reasonable and natural in the circumstances in which they find themselves. What more natural than that a poor man should want material goods, especially in as materialistic a society as ours?

Recently, biological theories of crime have come back into fashion. Such theories go way back: nineteenth-century Italian and French criminologists and forensic psychiatrists elaborated a theory of hereditary degeneration to account for the criminal's inability to conform to the law. But until recently, biological theories of crime—usually spiced with a strong dose of bogus

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genetics—were the province of the illiberal right, leading directly to forced sterilization and other eugenic measures.

The latest biological theories of crime, however, stress that criminals cannot help what they do: it is all in their genes, their neurochemistry, or their temporal lobes. Such factors provide no answer to why the mere *increase* in recorded crime in Britain between 1990 and 1991 was greater than the *total* of all recorded crime in 1950 (to say nothing of the accelerating increases since 1991), but that failure does not deter researchers in the least. Scholarly books with titles such as *Genetics of Criminal and Antisocial Behavior* proliferate and do not evoke the outrage among intellectuals that greeted the publication of H. J. Eysenck's *Crime and Personality* in 1964, a book suggesting that criminality is an hereditary trait. For many years, liberals viewed Eysenck, professor of psychology at London University, as virtually a fascist for suggesting the heritability of almost every human characteristic, but they have since realized that genetic explanations of crime can just as readily be grist for their exculpatory and all-forgiving mills as they can be for the mills of conservatives.

Recently, an entire television series in Britain focused on the idea that crime is the result of brain dysfunction. The book that accompanied the series states that the two authors "believe that—because we accept the findings of clinicians with no penal axe to grind—many criminals act as they do because of the way their brains are made. The past two decades have vastly extended the horizons of knowledge, and we believe it is time to benefit from that knowledge—the result of the work of endocrinologists, bio-physiologists, neurophysiologists, biostatisticians, geneticists and many others."

But despite the alleged lack of penal axe to grind, the ultimate message is all too familiar: "What stands out from literally hundreds of papers and studies of the various types of criminal is widespread and cogent evidence of disordered minds resulting from dysfunctional brains. . . . But we do not recognize; we merely condemn. Incarceration is an expensive and wasteful reaction."

Both parts of this message are welcome to my patients in the prison: that they are ill and in need of treatment, and that imprisonment is not only pointless but cruel and morally unjustified—less justified, indeed, than their crimes. After all, the judges who sentence them to imprisonment cannot exculpate themselves by virtue of their dysfunctional brains.

No wonder that each week prisoners tell me, "Prison's no good to me, doctor; prison's not what I need." I ask them what they do need, then. Help, treatment, therapy.

The idea that prison is principally a therapeutic institution is now virtually ineradicable. The emphasis on recidivism rates as a measure of its success or failure in the press coverage of prison ("Research by criminologists shows . . . " etc.) reinforces this view, as does the theory put forward by criminologists that crime is a mental disorder. *The Psychopathology of Crime* by Adrian Raine of the University of Southern California claims that recidivism is a mental disorder like any other, often accompanied by cerebral dysfunction. *Addicted to Crime?*, a volume edited by psychologists working in one of Britain's few institutions for the criminally insane, contains the work of eight academics. The answer to the question of their title is, of course, yes; addiction being—falsely—conceived as a compulsion that it is futile to expect anyone to resist. (If there is a second edition of the book, the question mark will no doubt disappear from its title, just as it vanished from the second edition of Beatrice and Sidney Webb's book about the Soviet Union, *The Soviet Union: A New Civilisation?*—which included everything about Russia except the truth.)

Is it surprising that recidivist burglars and car thieves now ask for therapy for their addiction, secure in the knowledge that no such therapy can or will be forthcoming, thereby justifying the continuation of their habit? "I asked for help," they often complain to me, "but didn't get none." One young man aged 21, serving a sentence of six months (three months with time off for good behavior) for having stolen 60 cars, told me that in reality he had stolen over 500 and had made some $160,000 doing so. It is surely an

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unnecessary mystification to construct an elaborate neuropsychological explanation of his conduct. Burglars who tell me that they are addicted to their craft, thereby implying that the fault will be mine for not having treated them successfully if they continue to burgle after their release, always react in the same way when I ask them how many burglaries they committed for which they were not caught: with a happy but not (from the householder's point of view) an altogether reassuring smile, as if they were recalling the happiest times of their life—soon to return.

Criminals call for therapy for all antisocial behavior—curiously, though, only after it has led to imprisonment, not before. For example, last week a young man finally imprisoned for repeated assaults on his girlfriend and his mother, among others, told me that prison was not doing him any good, that what he needed was anger management therapy. I remarked that his behavior in prison had been exemplary: he was always polite and did as he was told.

"I don't want to be taken down the block [the punishment floor], do I?" he replied, rather giving the game away. He had been violent to his girlfriend and his mother because hitherto there were advantages, but no disadvantages, to his violence. Now that the equation was different, he had no problem "managing" his anger.

The great majority of the theories criminologists propound lead to the exculpation of criminals, and criminals eagerly take up these theories in their desire to present themselves as victims rather than as victimizers. For example, not long ago "labeling theory" took criminology by storm. According to these theorists, the quantity of crime, the type of person and offense selected to be criminalized, and the categories used to describe and explain the deviant are social constructions. Crime, or deviance, is not an objective "thing" out there. So far, I haven't tried this theory out on my noncriminal patients whose houses have been burgled three times in a year—or who have been attacked in the street more than once, as is common among these patients—but I think I can imagine their response. For criminals, of course, a theory that suggests that crime is an entirely arbitrary social category without justified moral content is highly gratifying—except when they themselves have been the victim of a crime, when they react like everyone else.

Since criminologists and sociologists can no longer plausibly attribute crime to raw poverty, they now look to "relative deprivation" to explain its rise in times of prosperity. In this light, they see crime as a quasi-political protest against an unjust distribution of the goods of the world. Several criminological commentators have lamented the apparently contradictory fact that it is the poor who suffer most, including loss of property, from criminals, implying that it would be more acceptable if the criminals robbed the rich. (In a radio discussion about the seasonal riots that break out in poor areas of British cities, a left-wing academic, now a cabinet minister in the present government, said that one of the tragic aspects of these riots is that they caused damage in the rioters' own neighborhood. She didn't answer my question whether she'd prefer the riots to take place in her neighborhood.)

In discussing the policy of zero tolerance, criminologist Jock Young avers that it could be used selectively for "progressive" ends: "one can," he says, "be zero-tolerant of violence against women and tolerant about the activities of the dispossessed." One might suppose from this that among those tolerable activities of the dispossessed there was never any violence against women.

Moreover, the very term "dispossessed" carries its own emotional and ideological connotations. The poor have not failed to earn, the term implies, but instead have been robbed of what is rightfully theirs. Crime is thus the expropriation of the expropriators—and so not crime at all, in the moral sense. And this is an attitude I have encountered many times among burglars and car thieves. They believe that anyone who possesses something can, ipso facto, afford to lose it, while someone who does not possess it is, ipso facto, justified in taking it. Crime is but a form of redistributive taxation from below.

Or—when committed by women—crime could be seen "as a way, perhaps of celebrating

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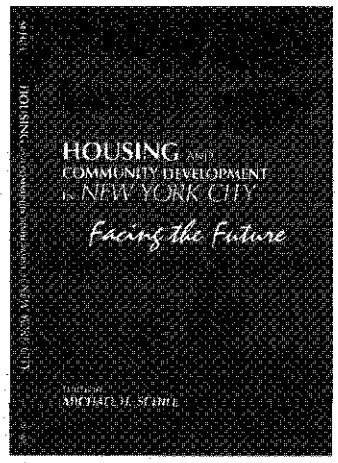

HOUSING and COMMUNITY DEVELOPMENT in NEW YORK CITY
Facing the Future
Michael H. Schill, editor

This book comprehensively explores a full range of policy issues including the analysis of current housing problems and demographics; examination of federally supported housing assistance programs such as public housing and Section 8; scrutiny of the City's response to homelessness and the abandonment of private sector housing; and a look at New York's innovative program to rebuild neighborhoods with public-private partnerships. 277pages
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women as independent of men," to quote Elizabeth Stanko, an American feminist criminologist teaching in a British university. Here we are paddling in the murky waters of Frantz Fanon, the West Indian psychiatrist who believed that a little murder did wonders for the psyche of the downtrodden, and who achieved iconic status precisely at the time of criminology's great expansion as a university discipline.

"Justice" in the writings of many criminologists does not refer to the means by which an individual is either rewarded or punished for his conduct in life. It refers to social justice. Most criminologists can't distinguish between unfairness and injustice, and they conclude that any society in which unfairness continues to exist (as it must) is therefore unjust. And the question of social justice usually boils down to the question of equality: as Jock Young puts it starkly: "Zero tolerance of crime must mean zero tolerance of inequality if it is to mean anything." Since one of the inhibitions against crime (as crime is commonly understood, by people who have suffered it or are likely to suffer it) is the perceived legitimacy of the legal system under which the potential criminal lives, those who propagate the idea that we live in a fundamentally unjust society also propagate crime. The poor reap what the intellectual sows.

No one gains kudos in the criminological fraternity by suggesting that police and punishment are necessary in a civilized society. To do so would be to appear illiberal and lacking faith in man's primordial goodness. It is much better for one's reputation, for example, to refer to the large number of American prisoners as "the American gulag," as if there were no relevant differences between the former Soviet Union and the United States.

In fact, criminals know all about the power of punishment: both its deterrent and rehabilitative effect. For prison is a society divided clearly in two, between wardens and prisoners. Prisoners maintain the rigid division by their own extremely severe code of punishment. Should an individual prisoner try to break down this division, other prisoners will inflict immediate, severe, and public punishment. The division therefore holds, even though many prisoners would prefer to side with the wardens than with their peers.

Criminology is not monolithic, and there are more dissenters now than there once were, as Jock Young recognizes. "This recent pattern [of criminologists who believe in detection and punishment] is in contrast to a generation of liberal opinion and scholarship whose aim was to minimize police intervention and lower police numbers. One might even say that this has been the hidden agenda of academic criminology since the Nineteenth Century."

From the criminal's point of view, criminology has served him proud. ■

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Letters

A Two-Way Street

To the editor:

I read your recent article on the Principal for a Day program with interest ("How Businessmen Shouldn't Help the Schools," Summer 1999). Certainly visiting a school for a day will not solve the significant problems facing many of our schools. Such a visit may provide a valuable perspective on our schools' challenges, but not much in the way of tangible benefits. On this we agree.

I adopted Intermediate School 131—The Albert Einstein School—more than three years ago. I visit I. S. 131 monthly and do my best to help monetarily: I give to the school all the stipends I receive from my various speaking engagements—little things like a check for $1,000, 600 disposable cameras, 1,500 packages of cookies, and pen and pencil sets for the graduating eighth-graders. But I also try to convey my own views on how to be successful in life: working hard and "standing out."

It's a two-way street out there, though, and my giving to the school comes back to us in our business at the Pathmark store, located within a quarter mile of I. S. 131. The relationship will continue on a month-to-month basis, and Pathmark will continue to do its best to support the school and its needs. It's important to us to continue to fill the needs of each and every customer as well as potentially become a place of employment for these students as they graduate from school and start to look for jobs.

One visit as a Principal for a Day will not turn around our school system, but a longer term commitment can be a big step.

Jim Donald
Chairman, President, and CEO
Pathmark Stores, Inc.

FPG

Sol Stern responds:

Mr. Donald's letter perfectly illustrates the point of my article. Too many of the CEOs in the Principal for a Day program think that the public schools they adopt need things like cameras and pens. What the schools desperately need, however, is the principle of accountablilty that doubtless makes Mr. Donald's own company successful.

Partners in Crime

To the editor:

William J. Stern in his usual careful manner excoriates the New York State Legislature for superordinating political advantage over the common welfare ("The Oops Effect," Soundings, Summer 1999). In conflating the decision to eliminate the commuter tax with the LILCO takeover, though, Mr. Stern confuses legislative initiative with gubernatorial initiative. Bruno and company are responsible for inadvertently blundering into the commuter tax issue, but George Pataki is largely responsible for the LILCO takeover, since he wanted to derive the political benefit of a rebate in

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Public Ignorance & Democracy

One of the best-kept secrets of political science is the repeatedly confirmed finding of abysmal public ignorance about everything political. Among the politically inattentive public, this means that opinions are easily manipulated by the media and politicians. Among the politically sophisticated elite, it means an overreliance on simplifying political ideology. At both levels, public ignorance raises serious questions about the coherence of democratic theory and of our understanding of everyday politics. A special issue of *Critical Review* reviews the evidence of public ignorance and opinion manipulation and explores whether there is any alternative to governance by an indifferent public or a dogmatic elite.

Richard Anderson
The Media in Mass Democracy

Jeffrey Friedman
Public Ignorance and Democratic Theory

Tom Hoffman
Defining Rationality Down

Rogan Kersh
The Dubious Basis of Congressional Approval

Timur Kuran
Insincere Democratic Deliberation

Robert Y. Shapiro
Public Opinion and Elites

Ilya Somin
Voter Ignorance and the Democratic Ideal

Philip E. Tetlock
Do Citizens Have the Right Stuff?

James Q. Wilson
Idealizing Democracy

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Nationalism • F.A. Hayek
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the last campaign. Indeed, he derived that benefit, and in so doing has imposed an inefficient state-dominated energy system on the residents of Long Island.

Herb London
John M. Olin Professor of Humanities
New York University

William J. Stern responds:

In the case of the LILCO takeover, the governor was the instigator and the legislature was the accomplice. In the case of the elimination of the commuter tax, the legislature was the instigator and the governor was the accomplice. The point of my story was to demonstrate the legislature's responsibility—one might say guilt—in both of these matters. On that point, I'm sure there's little disagreement between Mr. London and myself.

Rockaway Reminiscers

To the editor:

I read Peter Reinharz's "Rockaway Riviera? Copaca-Coney?" (Summer 1999) just days after visiting Rockaway Beach—only $1.50 away via an express bus from Woodside—for the first time in ten years. When I was a teenager, Rockaway enabled young men and women from dozens of poor and working-class communities to enjoy days at the beach usually reserved, in most countries, for the economic elite.

Unfortunately, as at CUNY, these halcyon days are long gone. While the NYPD presence was reassuring, and the beach

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was clean, the city seemingly has turned every small hotel into a welfare hotel, and the streets are filled with adults wandering aimlessly, drinking, and panhandling.

James J. Dillon
Queens Coalition for Good Government

To the editor:

For most of my life, I have wondered why the City of New York abandoned its most valuable oceanfront communities: the Rockaways and Coney Island. My parents brought me, from the age of two on, to Rockaway's Arverne section during the summer; I spent my teen years in the Edgemere area as foolish urban planning slowly destroyed Beach 90th Street to Beach 32nd Street. For 17 years, my family enjoyed summers at this city shore. Yet, by 1974, it was no longer possible to find a decent place to rent for the summer, thanks to the poor planning Mr. Reinharz describes in his article.

I agree with Mr. Reinharz's revitalization plan almost entirely. New York City's beachfront communities could easily provide a Hamptons-like atmosphere for weekenders and vacationers. Summer housing for the middle class, as well as the wealthy, mustn't be overlooked, either. There is ample beachfront for a sizable middle-income summer population who would otherwise travel to western Massachusetts or the Catskills. The possibilities for economic, commercial, and community development are vast.

Residents in both communities deserve credit for hanging on for the past three decades. Fortunately, the strong economy offers the best hope to revitalize these areas. New York City as a whole will benefit, and our beachfront communities will, in a generation or two, live up to our high expectations.

William E. Rapfogel
Metropolitan New York
Coordinating Council On Jewish Poverty

Defending Foster Care

To the editor:

I was shocked and dismayed that you would publish Heather Mac Donald's "Foster Care's Underworld" (Winter 1999). It would not have passed the scrutiny of a refereed journal. The article's sensationalism grossly misrepresents a system that needs assistance, not attack. A case or two of what Ms. Mac Donald believes to be abuses of the system does not demonstrate widespread corruption, any more than a few tax cheats prove that all taxpayers cheat.

Unfamiliar with history or even literature—Dickens's *Oliver Twist*, say—Mac Donald proposes "academically rigorous boarding academies," a euphemism for orphanages, to warehouse emotionally disturbed children. But Mac Donald does not need to be knowledgeable about history, just current events, in order to realize the dangers of her proposal. With the fall of the Ceauşescu regime in Romania, the world was once again witness to the horrors of orphanages. Children were subject to inhumane treatment as a result of inadequate staffing and care. One can easily dismiss the comparison by saying that would not happen in our country. Ms. Mac Donald and others like her need only to look to the atrocities committed against retarded citizens that Geraldo Rivera exposed at Willowbrook. The abysmal conditions in many children's institutions are well documented. Little wonder that the first White House Conference on Children in 1909 went on record as saying the best place for children was in their own homes.

Furthermore, Ms. Mac Donald's argument that it is fiscally more responsible to raise children in "rigorous boarding academies" is flawed for two reasons. First, it assumes that institutional care is superior to family-like settings: children already traumatized by removal from their homes should not be further traumatized by being placed in totally unfamiliar settings. Children understand and can relate to foster families more readily than to the impersonal institutions Ms. Mac Donald touts.

Second, her proposition makes no economic sense. Estimated costs for children living in group homes and residential treatment centers across the country averaged about $3,000 per month, and costs are much higher in New York. Thus, her proposition would cost at least ten times the amount currently being spent on foster-family care maintenance. Her argument is neither fiscally or logically sound.

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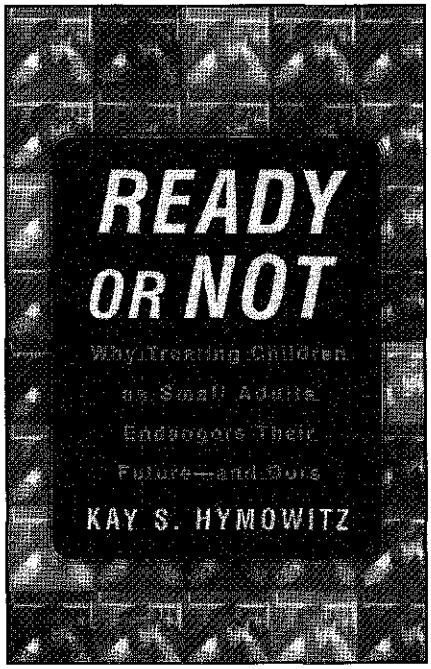
"A revolution in childrearing . . .

Gone is the idea that children are to be molded, shaped and instructed by their parents and other elders; now, we are told, children are to mold themselves—to be their own tutors, parents, teachers, and most of all, their own moral compasses. Hymowitz leaves us with an indelible and compelling picture of children in the driver's seat, careening along without the brakes, the controls, or the road map that culture is supposed to provide."

—Barbara Dafoe Whitehead, author of *The Divorce Culture: Rethinking Our Commitments to Marriage and Family*



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—Michael Medved, coauthor of *Saving Childhood*; nationally syndicated radio host

". . . shows the devastating effects of the currently dominant 'anticultural' pedagogy. This lucid, wise, and improrant book deserves a wide leadership."

—Christina Hoff Sommers, W. H. Brady Fellow, American Enterprise Institute; author of *Who Stole Feminism?*

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The fiscal responsibility and moral hazard arguments against income-maintenance programs and kinship and non-relative foster care are as incredulous [sic] as the eugenic rationalizations against supporting the poor propagated at the end of the nineteenth century. One hundred years later, the moral-hazard argument and the call for orphanages have been recycled when they should have been trashed.

My basic reaction to Ms. Mac Donald's article can be summed up in the following headline: "Old Mac Donald's Antiquated Idea Needs to Be Eighty-Sixed."

Ernst VanBergeijk
Columbia University
School of Social Work

Heather Mac Donald responds:

The abuses of kinship foster care are quite real, as Mr. VanBergeijk would discover by talking to the city's caseworkers. New York already runs group foster homes, in recognition of the fact that the most severely abused children may never adjust to a single-family home. Today's adult graduates of orphanages fare better on a range of social measurements than average Americans, and much more so than the average foster child. As for the inevitable horrors of boarding schools, Mr. VanBergeijk should ask why wealthy parents fight to get their children into them.

It's the Owner, Not the Breed

To the editor:

I write to tell you how

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Letters

much I agree with your article "Scared of Pit Bulls? You'd Better Be!" (Spring 1999). I have lived in my house for 12 years, and recently, an individual owning a pit bull moved in next door. We have had almost daily problems with this dog ever since. He jumps onto our shared wall and has tried to attack our Jack Russell terrier. We have even taken photos to show the owner what his dog is up to, but he refuses to do anything. We've had to call animal control when the dog got loose and the owner couldn't be woken to retrieve his dog. I now have to put a leash on my dog to walk it in my own backyard. I no longer view my own backyard as a sanctuary, but rather as a place of fear. Laws need to change so that these animals cannot be allowed in a residential neighborhood unless they're caged or have a high wall keeping them penned in.

In my frustration this morning after running into the house when the dog tried to get over the wall, I read your article and found it a validation of my misery.

Linda Arce
Palmdale, California

To the editor:

I have owned a pit bull for four years, having found the dog tied to a tree when it was just four months old. I don't know how it was treated before, but my guess is that it was treated badly. I'm very cautious with it around people. It is aggressive toward strangers, especially males, and I think this has to do with its past. It is, without doubt, the best dog I've ever had. I wouldn't own any other breed and quite frankly, all this negative publicity about pit bulls is starting to tick me off.

People think that pit bulls will turn on their owners or get loose and kill everyone in the neighborhood. The people who are so scared of these dogs, though, don't know anything about them other than the garbage that they see on TV. I think they should have a documentary on pit bulls, so people will know the truth.

Pit bulls weren't bred to be aggressive toward man, but submissive. I've read that they don't make suitable guard dogs: it's against their instincts to bite a human. You would have to spend lots of money and give lots of training to teach them to go against their natural instincts, or badly mistreat them. Throwing a dog of any breed in a backyard with just food and water and not paying attention to it breeds aggression and anger. Humans screw things up for these dogs. I guess it's in human nature to be violent and not appreciate things for what they are.

Ninety-five percent of pits pass the Canine Temperament test, whereas only 74 percent of all dogs pass. There are many families out there that have had a pit bull as a family pet and have not had any problems. I just wish they would speak up.

Some compare pit bulls to loaded guns; well, some people shouldn't own a gun. People who choose to own a pit bull should have to pass a safety test, as well as have to take a class on how to train their dog properly. Even I admit that I should have trained my dog differently. I should have taken my dog to an obedience school. If they offered some form of public financing, I would have taken her in a heartbeat. I agree about making the dogs wear muzzles in public, but only if there has been an incident of aggressiveness.

Derek Kitamura
Riverside, California

Brian C. Anderson responds:

Ms. Arce's letter exemplifies the central theme of my article: pit bulls are often a public terror. Mr. Kitamura asserts that pit-bull aggression is solely a matter of training, but ignores the fact that the dogs have genetic wiring that makes them especially fierce; he's right, though, that training—or abuse—can transform them into truly deadly animals. And Mr. Kitamura's letter suggests that his pit bull is perhaps a bit of a menace itself.

Family Concerns

To The Editor:

Our thanks to Kay S. Hymowitz for taking the time to come to New Haven and to write about the Waverly Extended Family ("Civil Society Blooms in New Haven," Summer 1999). We do, however, wish to make a two comments.

First, we have no evidence of any criminal activity on the part of any of the young people in the Extended Family and we regret that the story suggested anything to the contrary. Second, despite the story's somewhat

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Letters

pessimistic conclusion, we continue to believe firmly in the Extended Family's transformative possibilities for the young men as well as the young women of Waverly. We are determined to keep working to help all our children reach their full potential.

Sharon McBlain
Enola Aird
Waverly Extended Family

Poetry, Not Monuments

To the editor:

Francis Morrone's informative and finely photographed "Statues and Civic Memory" (Summer 1999) begins on a mistaken note. While Homeric heroes did noble deeds in the hope of winning honor, glory, and the praise of their fellows and posterity, fame for the greatest actions did not take the form of a "'marble monument,' in *The Iliad*'s constantly recurring phrase."

Homeric fame, as the heroes themselves regularly acknowledge, comes from poetry, not statuary. The foremost reward of heroism is good report among men and, by extension, remembrance in song, specifically, epic poetry. For as long as *The Iliad* and *The Odyssey* continue to be read, Homer's heroes will continue to receive their just rewards.

Free-standing marble statuary was unknown in the mid-eighth century B.C., when Homer is thought to have lived. While funerary markers conferred recognition in Homeric society, the earliest sculpted examples date from the mid-sixth century B.C., as does the use of marble as the material of choice for statuary.

Monuments and statues last only so long. Fame-conferring poetry is imperishable.

Jeffrey M. Duban
New York, New York

Francis Morrone replies:

I am thankful to Mr. Duban for his thoughtful correction. The sentence to which he objects quotes from memory Pope's lyric translation of *The Iliad*, not the Greek original.

I do wish to point out that not only do statues and monuments "last only so long," so do the cities and civilizations they help to define. Though epic poetry is an excellent commemorative medium, I am sure Mr. Duban does not need to have pointed out to him how little of the literature of ancient times has survived. Conferring immortality is a tough business, but we try.

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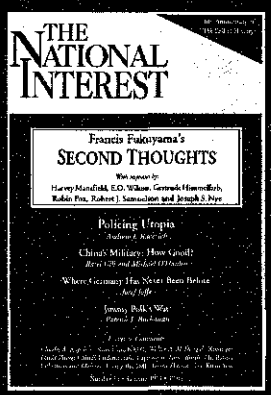
— Robert D. Kaplan

In the Fall issue:

Charles Krauthammer: The Future of Humanitarian Intervention

Michael Mandelbaum: Nationalism in the Next Century

Nathan Glazer: Two cheers for Asian values



Kenneth Minogue: Soft totalitarianism

Robert Conquest: An English-speaking union

Michael Howard: Frederick the Great

Nicholas Eberstadt: North Korea

Eliot Cohen on The Great War

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Jerry Zremski, Washington correspondent for the *Buffalo News*, has written extensively about the upstate New York economy in recent years. He is a 1999-2000 Nieman Fellow at Harvard University.

Our cover shows a detail from Paul Cornoyer's *Washington Square, New York* (c. 1900) courtesy of the Museum of the City of New York, The Bridgeman Art Library.

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Columbine Diarist

Sign of the Times

Kay S. Hymowitz

The evening I visited Columbine High School, the Rocky Mountain foothills beyond one classroom window were turning a velvety green and black as the summer sun sank behind them. Their calm beauty, with prosperous, shingled homes nestled peacefully in front of them, made it almost unimaginable that in this room science teacher Dave Sanders died after being shot by Dylan Klebold and Eric Harris last April 20. That very window had held the sign, referring to Sanders, 1 BLEEDING TO DEATH.

Sanders first encountered the killers in the cafeteria downstairs and had an easy exit from there. Like many others, he could have run out the door toward one of the nearby homes you can see from that classroom window. Neighbors would have tended him, as they did the bloodied students who appeared at their doors. But when Sanders was shot, he staggered up the curving staircase to a main corridor, where alarms rang their dire warning and sprinklers further soaked his bloody shirt, shouting at students to flee. As students hid in lockers, in false ceilings, even in the school kitchen's refrigerators from which they were pulled icy with cold and fright hours later, Sanders pushed on until he collapsed into the room where the sign announced his demise to the watching world.

At the Governor's Summit on Youth Violence in Denver two months after the shootings, I thought about Sanders and that sign, as evidence mounted that the urge to teach and protect the young is itself suffering a mortal wound. A group of Denver-area high schoolers, including two from Columbine, repeatedly spoke of the absence of adult guidance in their lives, of their wish for more support, more time, and more moral clarity from parents and teachers. Their adult-free society had become a scary place. When asked, nearly all said they had seen guns in their school, but only one had told a teacher or administrator. They expected no protection from them. "I didn't trust the principal or the teachers," one high schooler announced. "They'd tell me to leave that person alone," said another.

At the time of the shootings, Columbine had six guidance counselors, dozens of peer mediators, conflict-resolution classes, campus safety supervisors, and an on-site Jefferson County sheriff. What it seems Columbine lacked—with the exception of a few like Dave Sanders—were the kind of adults those kids at the Summit were talking about. Like so many high schools around the nation, Columbine, as increasingly seems clear, was an adolescent-dominated institution that neither taught nor imagined dignity, courtesy, and moral seriousness.

Instead, it was a place where kids could learn how to make a video about shooting up a school and how to write a poem about murder, as Klebold and Harris did. "It was a creative writing class, and you write whatever you want," one student nonchalantly noted. Recently, the *Denver Post* wrote of a Columbine football player who harassed his ex-girlfriend so severely that she got a restraining order against him. Columbine administrators suggested that she do her schoolwork at home, effectively suspending the victim instead of the malefactor. The *Rocky Mountain News* reports that two athletes tormented a Jewish student for a year and a half, with the Hitler-loving star wrestler threatening to burn him in an oven. Columbine administrators ignored the boy's father's repeated complaints, until he threatened to sue.

The audience at the Summit clearly found the kids' sense of adult abandonment touching but didn't quite understand it. When one speaker said, "I think kids are much smarter than we give them credit for," listeners burst into applause. When another gushed, "We need to listen to kids' wisdom," they cheered. And when another declared, "The number-one answer is to empower young people!" they gave him an ovation to remember. Their response reminded me of a talk show on teen violence I appeared on some years ago. As another guest, a psychologist, spoke, an assistant producer, believing her presentation too complex, frantically waved a sign at her saying: SELF-ESTEEM!

Though the Denver Summit also in effect waved self-esteem signs, self-esteem can be a flammable substance in a cultural void. I recalled that ratings-hungry talk-show producer again. He had another sign, which he waved at the teenagers in the audience. It read: GO WILD! ■

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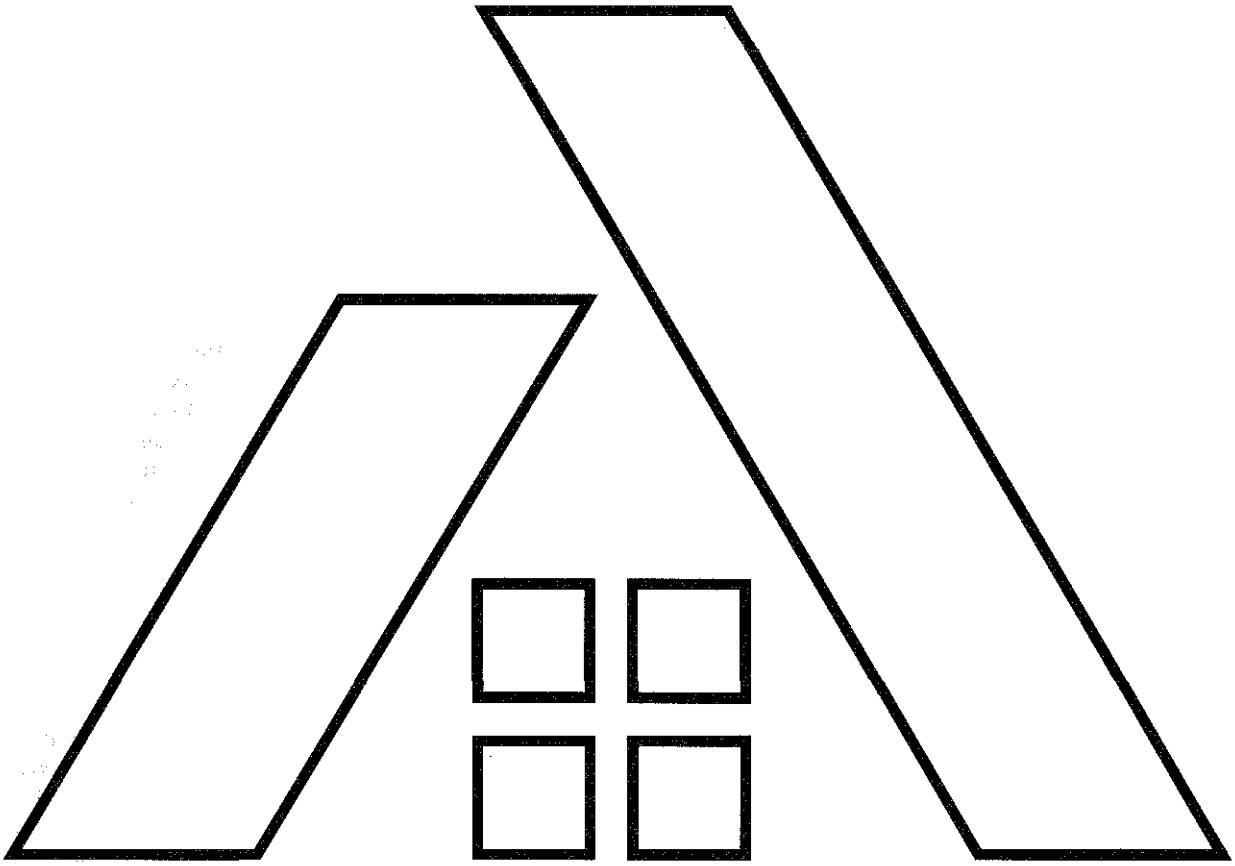

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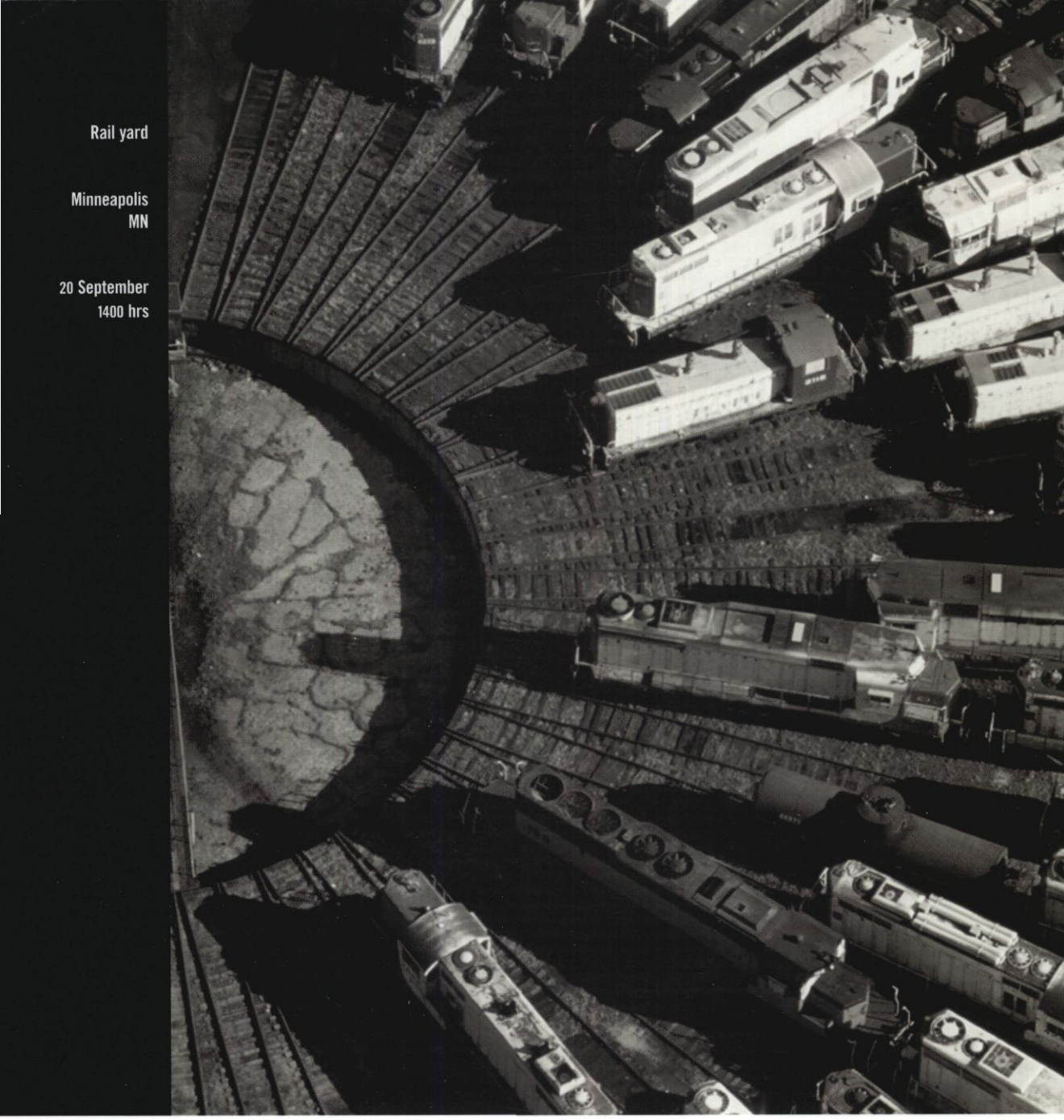

WITHOUT THE RIGHT COVERAGE, YOUR COMPANY CAN BE FLATTENED BY A TRAIN THAT'S STANDING STILL.

All it takes is a rail strike, a streak of bad weather or a sudden change in an exchange rate and your company's bottom line can sustain a major injury. So businesses require a partner that can anticipate and protect against multiple risks with innovative solutions.

AIG Risk Finance is that partner. With our financial resources, insurance underwriting and capital markets expertise, we can bundle together risks other financial institutions can't assume. When AIG Risk Finance combines a company's financial and insurance risk into a single program, the integrated coverage can create efficiencies that might not be realized using more traditional forms of risk management.

For instance, our Commodity-Embedded Insurance (COIN) program limits the earnings per share impact for our clients by joining traditional insurance risks with financial exposures like primary commodities, foreign exchange and interest rate fluctuations.

AIG Risk Finance, a division of the AIG Companies, has access to an unparalleled global network, with operations in approximately 130 countries and jurisdictions worldwide. And we have top financial ratings to back us up. So we'll be there to help your business stay on the right track.

AIG

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